

LICENSING COMMITTEE

Minutes of a meeting of the Licensing Committee held on Wednesday 5th September 2012 at 6.00 pm in the Reception Suite, Civic Offices, Telford

PRESENT

Councillors: C Mason (Chair), R Scammell and J Seymour.

Officers in attendance: Jonathan Eatough – Assistant Director: Law, Democracy & Public Protection, Ian Mercer – Public Protection Service Delivery Manager, Suzanne Fisher – Public Protection Team Leader, Carl Phillips – Licensing Technical Officer, Lorraine Fowkes – Solicitor and Wendy Buckley - Democratic Services Support Officer.

LC-06 MINUTES

RESOLVED – that the minutes of the meeting of the Licensing Committee held on the 27th June 2012 be confirmed and signed by the Chair.

LC-07 APOLOGIES FOR ABSENCE

Councillors B Duce, T Hope, L Murray, A Mackenzie and K Tomlinson.

LC-08 DECLARATIONS OF INTEREST

None.

LC-09 REVIEW OF HACKNEY CARRIAGE CONDITION OF LICENCE

The Public Protection Team Leader presented a summary of the report of the Service Delivery Manager - Public Protection for Members to consider the Council's Hackney Carriage condition of licence covering the types of vehicle that can be licensed as a Hackney Carriage in Telford & Wrekin. Members confirmed they had read the report prior to the meeting.

Members were advised that there was a typing error in recommendation 2.1. This was amended to read 'purpose-built vehicle' and not a 'multi-purpose vehicle'.

A 12 week consultation began in March 2011, following which Members resolved to maintain the existing condition at the Licensing Committee meeting on 7th September 2011. In December 2011 a further consultation was carried out on the draft Hackney Carriage and Private Hire policy where a response was received from Solicitors acting for Allied Vehicles Ltd. The response related to the Council's conditions of licence rather than the policy itself specifically relating to the type of vehicle the Council will license as a Hackney Carriage. Copies of these letters were appended to the report. The Public Protection Team Leader then contacted the consultees who responded to the earlier 2011 consultation to inform them that condition 2.2 was again being reviewed by the Licensing Committee. Four supplementary responses had been received and were tabled at the meeting.

Councillor Scammell produced a print out of an e-mail he had received nominally regarding this issue; other Members confirmed they too had received the e-mail but Members were of the view that as the e-mail concerned a particular constituent issue it was not appropriate to be considered in relation to this item of business.

The Committee were asked to consider the accessibility of Hackney Carriage vehicles for wheelchairs, the outcome of a court case in 2009, Department for Transport guidance and matters relating to restraint safety. It was proposed that the vehicle types should follow an approved list compiled in consultation with a working group consisting of the Telford Hackney Carriage Association, disability user groups, member of the highways and transport team, licensing officers and a member of the licensing committee. All applications made to license a purpose built vehicle would be considered by the Principal Licensing Officer after consultation on the vehicle type with the working group. If revised condition 2.2 was agreed by Members it would be implemented immediately. Photographs of typical vehicles that might appear on the approved list of Hackney Carriage vehicles were distributed to Members.

Councillor Seymour suggested that disabled persons requiring a vehicle to accommodate a larger wheelchair could pre-book to confirm such a specific vehicle rather than waiting at a taxi rank. Private hire vehicles catered for larger wheelchairs which could accommodate a pre-planned journey with a suitable vehicle. This position was endorsed by Councillor Scammell.

The Public Protection Team Leader confirmed that the working group would look at different vehicles and put wheelchairs in them to see if they were suitable. This is what the private hire working group was already doing with applications to license vehicles which were not already on the approved list for private hire vehicles.

Following a Member question regarding receipt of complaints from disabled users travelling in a hackney carriage, the Public Protection Team Leader confirmed that complaints had been received from wheelchair users stating that their wheelchairs were not suitable or safely restrained in a hackney carriage.

The Solicitor to the Licensing Committee gave a brief summary of the issues surrounding a case that was brought against Liverpool City Council. One issue that was highlighted was that 96% of wheelchair user journeys were confirmed as not safely secured in a London style taxi. It concluded that the Council Committee failed to understand that Hackney Carriages were not accessible to all users- it provided a restricted choice of vehicles that had the ability to accommodate wheelchairs in a safe position. Evidence from the report showed that some wheelchair users were not able to access London style taxis however there was an opportunity to use other more suitable vehicles if they were not restricted to London style taxis only.

Jonathan Eatough, Assistant Director, advised Members that if Condition 2.2 was not amended, Telford & Wrekin Council would run a very high risk of a Judicial Review based on the Liverpool City Council case and an exposure to costs.

The Chair moved that the recommendations in the report, as amended, be approved.

There being no seconder, the motion fell. As no further proposals were forthcoming the item of business was unresolved.

LC-10 REVIEW OF PRIVATE HIRE VEHICLE CONDITION OF LICENCE

The Chair welcomed the Licensing Technical Officer, Carl Phillips to the meeting who presented a summary of the report of the Service Delivery Manager – Public Protection for Members to consider the consultation responses in respect of reviewing the age-limit restrictions of Private Hire Vehicles and to the proposed revision of a specific condition relating to Private Hire Vehicles.

A typing error was pointed out at point 5.6.2 of the report which should read 2.1.1 and not 2.1.2 as suggested.

An extensive 12 week consultation had been carried out with 8 responses received. A summary of the responses was appended to the report.

Clarification was asked by Members on the Financial Comment in the report regarding action to recover costs. The Public Protection Team Leader confirmed that if a vehicle was booked in for a test and did not turn up for the test the Council were charged and would then proceed to collect the debt via an invoice being sent out. However, if a vehicle arrived later for a missed test, the previous test debt was collected first.

Having considered the report it was:

RESOLVED – by unanimous vote

- (a) that the Private Hire Vehicles Licence Condition 3.6 be amended to read:
The Council will only license suitable motor cars and multi purpose vehicles or purpose built or adapted minibuses up to ten years. Vehicles to be tested every six months from five years of age in line with best practice guidance. No vehicle to be over 5 years of age when first licensed.**

- (b) that an additional consultation exercise with a view to re-examining Hackney Carriage Conditions including age-limits be approved.**

Meeting closed at 7.00 pm.

Chairman:

Date:

Telford & Wrekin Council

Licensing Committee –2nd October 2012

Hackney Carriage Licence Conditions

Report of the Service Delivery Manager – Public Protection

1. PURPOSE

- 1.1 For Members to consider the Council's Hackney Carriage Conditions of Licence covering the types of vehicle that can be licensed as a Hackney Carriage in the Borough of Telford & Wrekin.

2. RECOMMENDATIONS

- 2.1 Having considered all relevant information, it is recommended that the Council's Hackney Carriage condition 2.2 is amended to the following –

The proprietor shall ensure that the Hackney Carriage vehicle shall only be of the type approved for Hackney Carriage use by the Council, namely a purpose-built vehicle built to carry up to eight passengers with factory fitted seatbelts and an engine capacity not less than 1600cc. subject to the following:

Hackney Carriage Vehicles are approved by way of a list that will specify as many different types of vehicles as possible.

- 2.2 Members are requested to delegate authority, to approve the designated list of vehicles, to the Principal Licensing Officer.

3. SUMMARY

- 3.1 When licensing Hackney Carriages, Telford & Wrekin Council follow the Conditions of Fitness set by the Public Carriage Office (Transport for London).
- 3.2 Recent case law has challenged the type of vehicle that is licensed by local authorities on the basis that it discriminates against wheelchair users. The case is Alma Lunt and Allied Vehicles Limited v Liverpool City Council (2009).

4. PREVIOUS MINUTES

- 4.1 LC-132 (a) - Licensing Committee 29th October 2010.
- 4.2 LC- 05(b) - Licensing Committee 7th September 2011.

5. INFORMATION

5.1 Background

- 5.1.1 Telford & Wrekin Council has responsibility for licensing Hackney Carriage and Private Hire Vehicles, Drivers and Operators within the borough of Telford & Wrekin.
- 5.1.2 The purpose of licensing Hackney Carriages and Private Hire Vehicles, Drivers and Operators is for the provision of a safe and accessible service to the public.
- 5.1.3 Section 47 (1) of the Local Government (Miscellaneous Provisions) Act 1976 [LG (MP) A 1976] allows licensing authorities to attach to the grant of Hackney Carriage licences conditions that it considers reasonably necessary.
- 5.1.4 Telford & Wrekin Council has traditionally, in accordance with the above, attached conditions to Hackney Carriage and Private Hire Licences.
- 5.1.5 On 8th March 2011 the Council's Licensing Service commenced a twelve week consultation on the condition of licence relating to the types of vehicles licensed as Hackney Carriages in the Borough of Telford & Wrekin. The consultation letter, website page and list of consultees are attached at Appendix A.
- 5.1.6 Members of the Council's Licensing Committee met on 7th September 2011 to consider the existing and proposed conditions of licence in light of responses received from the Consultees. The consultation responses are attached at Appendix B. Members resolved to maintain the existing condition which states:

The proprietor shall ensure that the Hackney Carriage shall only be of the type approved for public hire used by the Commissioner of Police of the London Metropolitan area, namely a purpose built vehicle designed to carry up to seven passengers ...

A copy of Telford & Wrekin's Hackney Carriage Licence Conditions is attached at Appendix C.

- 5.1.7 In December 2011 the Licensing Service commenced a 12 week consultation on the Council's Draft Hackney Carriage and Private Hire Policy. A response was received from Allied Vehicles Ltd. However, this related to the Council's conditions of licence (attached as an appendix to the Policy) rather than the Policy itself, which was the

subject of the consultation. In light of a letter of representation received from Bindmans LLP, on behalf of Allied Vehicles Ltd, (this related to the type of vehicle which this Council will licence as a Hackney Carriage), the matter has now been brought before Members for further consideration. The letters from Allied Vehicles and Bindmans are attached at Appendix D.

- 5.1.8 The Principal Licensing Officer has contacted the consultees, who responded to last year's consultation on the Hackney Carriage condition relating to the type of vehicle this Council will licence, to inform them that the Council is again reviewing condition 2.2 of the Council's conditions of licence for Hackney Carriages. A copy of the letter is attached at Appendix E with comments received attached at Appendix H. Further representations are attached at Appendix I.
- 5.1.9 In 2009 the case of *The Queen on the Application of (1) Alma Lunt (2) Allied Vehicles Ltd v Liverpool City Council*, the Court found that Liverpool City Council had incorrectly considered that its Hackney Carriage fleet were 'wheelchair accessible' and that the Authority had failed to consider wheelchair users who had wheelchairs larger than the 'reference' wheelchair. Their decision to refuse to licence an E7 Eurocab was quashed on appeal and returned to the Council for re-determining.
- 5.1.10 Members are asked to consider the term 'wheelchair accessible'. Guidelines state that a vehicle is 'wheelchair accessible' if a wheelchair of a certain size and weight can be carried by the vehicle (referred to as a reference wheelchair). However, it does not cater for an increasing number of wheelchairs which are longer, higher, wider or heavier than the specification.
- 5.1.11 Section 149 of the Equality Act 2012 sets out Public Sector Equality Duty. A copy of the Department Transport's Guidance to Licence Authorities on the Equality Act is attached at Appendix F.
- 5.1.12 A Licensing Authority must have due regard to the needs of passengers who have wheelchairs that do not fit within the 'reference' wheelchair.
- 5.1.13 Where a policy requirement prohibits the licensing of a vehicle capable of meeting this need, the relevant Authority must show that they have paid due regard to this need and reflect this in their decision to adopt such a policy.
- 5.1.14 The 'reference' (new manual) wheelchair has standard dimensions, set by the Department for Transport. They are:

Height - 1,350mm

Length - 1,200mm

Width - 700mm

Weight (including occupant) - less than or equal to 300kg

- 5.1.15 There are an increasing number of wheelchairs in service which are outside of these requirements. Currently all types of electric and power assisted wheelchair are too heavy to be considered as reference wheelchairs and so are not considered in 'wheelchair accessible' surveys. Any standard bariatric wheelchair will also be outside of the accessible terms due to weight.
- 5.1.16 Members should also consider matters relating to restraint safety. The London Taxi International and Reliant Metrocab Hackney Carriage vehicles licenced in Telford & Wrekin have restraints that cater for rear facing wheelchair passengers and this is the only method of carriage available in these vehicles. There is an approved method of securing both the wheelchair and passenger when secured rear facing. However there is a level of risk where the wheelchair does not rest against the partition bulkhead. The Mercedes Vito vehicle licensed by Telford & Wrekin Council can be fitted to carry wheel chair passengers front and rear facing.
- 5.1.17 Furthermore, with a rearward facing wheelchair in a frontal impact, the restraint offers only offers protection against recoil, it does not protect against the initial impact.
- 5.1.18 An Authority must also consider Article 28 of the EC Treaty when making such a policy. This Article prohibits measures of equivalent effect to quantitative restriction on imports.
- 5.1.19 There are now several types of purpose built vehicles on the market, built by various manufacturers and which are commonly known as "Eurocabs". A number of Eurocab vehicles cater for forward facing wheelchairs. A number of vehicles also offer adjustable restraint tracks. Forward facing restraints will offer more protection against frontal impacts.
- 5.1.20 Additionally, design improvements in vehicle types are now catering for increased accessibility measures. These measures include electric ramps, electric retractable seats, adjustable floors, etc. These are not currently available in Telford & Wrekin's licensed hackney fleet.
- 5.1.21 It is proposed that the vehicle types should follow an approved list (a designated list), decided on a case by case basis in consultation by the Licensing Service with a working group consisting of the trade and service users, including those who are ambulant disabled, wheel chair users and those who have impaired vision.

5.1.22 This will allow the trade to put forward vehicles of choice that meet the criteria. In addition this will provide greater flexibility for new types of wheelchair accessible vehicles.

5.1.23 It is proposed that all applications, from proprietors who wish to licence a purpose built vehicle, will be considered by the Principal Licensing Officer after consultation on the vehicle type with the Working Group. The proposed vehicle must meet the Councils' conditions of licence 2.1 to 2.10 inclusive. Vehicles would only be added to the list after careful consideration of their suitability as a wheel chair accessible vehicle for use on taxi ranks.

5.1.24 This would bring consistency to the Hackney Carriage conditions and Private Hire Vehicle conditions of licence. A similar condition of licence for Private Hire Vehicles has been in place since 1st December 2009. Since this condition was implemented, applications for vehicles to be added to the list of approved vehicles have been received on a regular basis by the Principal Licensing Officer and consultation with a Working Group, to consider vehicle types as to their suitability for Private Hire use, has proved to work well.

5.2 Equal Opportunities

5.2.1 A Community Impact Assessment has been carried out on the proposed condition relating to the type of vehicles licensed as a Hackney Carriage by Telford & Wrekin Council and is attached at Appendix G.

5.3 Environmental Impact

5.3.1 There is no environmental impact arising from this report.

5.4 Legal Comment

5.4.1 Section 47(1) of the Local Government (Miscellaneous Provisions) Act 1976 allows the council to attach to the grant of hackney carriage licences such conditions as it may consider reasonably necessary.

5.4.2 Section 149 (1) of the Equality Act 2010 states that a public authority must have due regard to the need to

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is a prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share protected characteristic and persons who do not share it.

Section 149 (4) of the Equality Act 2010 states that the steps involved

in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.

5.4.3 The Queen on the Application of (1) Alma Lunt (2) Allied Vehicles Ltd v Liverpool City Council 2009 should be considered in relation to the wheelchair accessibility.

5.4.4 The current condition states that Hackney Carriages shall only be of the type approved for public hire used by the Commissioner of Police of the London Metropolitan area, namely a purpose built vehicle designed to carry up to seven passengers... Should there be application in respect of any other type of vehicle the application would have to be heard by the Licensing Committee at a hearing arranged specifically for this matter to be determined.

5.5 Links with Corporate Priorities

5.5.1 This report has links to:

1. Creating a safer community

(b) Safeguard health and safety of the community

5.6 Opportunities and Risks

5.6.1 In proposing this action the Corporate Risk Management Methodology has been complied with. This approach is not intended to eliminate risks but to identify the risks and manage them. However not all risks can be managed all of the time and some risks may not have been identified.

5.6.2 The following key risks and opportunities associated with this action have been identified and assessed and arrangements will be put in place to manage them.

(i) The Council being unable to successfully defend an Appeal to the Magistrates Court as well as (and after) to the Crown Court and the financial risks of the costs of an Appeal.

5.7 Financial Implications

5.7.1 License fees for Hackney Carriages contribute to meeting the overall income budget of £353k for licensing. There are no direct financial implications arising from amending the Council's Hackney Carriage condition 2.2. MLB 20.08.12

6. WARD IMPLICATIONS

6.1.1 This report has implications for all wards in the District.

7. BACKGROUND PAPERS

7.1.1 Town Police Clauses Act 1847

7.1.2 Local Government (Miscellaneous Provisions) Act 1976

7.1.3 Human Rights Act 1998.

7.1.4 Road Traffic Act 1988

7.1.5 Public Service Vehicle Accessibility Regulations 2000

7.1.6 Equality Act 2010

7.1.7 Department for Transport's Guidance to Local Authorities on the Equality Act 2010.

7.1.8 Road Vehicle (Construction and Use) Regulations 2003

7.1.9 Telford & Wrekin Council's Conditions of Licence for Hackney Carriages.

Report prepared by, Suzanne Fisher, Public Protection Team Leader - For further information please telephone 01952-383261 or email licensing@telford.gov.uk.

Michael Barker Head of Housing and Planning

Public Protection (Environmental
Health, Licensing & Trading Standards)
Darby House
Telford
TF3 4JA

Contact: Helen Owen

Telephone: 01952 383266

Fax: 01952 383269

Your Ref:

Our Ref:

Date: 8th March 2011

Dear Sir/Madam,

Re: Hackney Carriage and Private Hire Licensing: Consultation on Conditions.

We are writing to inform you of a review of conditions of licence for Hackney Carriage and Private Hire Licences. This review seeks to re-examine a number of the existing conditions covering vehicles and drivers.

Proposed consultees will include members of the trade, and other interested parties ranging from User Groups, Community Groups, Consumers, Chambers of Trade, Retail Owners, other transport providers, Parish Councils, Equality Groups, the Disability Forum and other relevant consultees etc.

The aim of the consultation is to review a number of conditions on which all relevant parties will have the opportunity to comment.

The conditions which are proposed to be reviewed are as follows:

- Private Hire Driver conditions of licence numbers 7.2(a) and 7.2(b) and the same dual driver conditions of licence.
- Hackney Carriage Vehicle conditions of licence number 3.2.
- Private Hire Vehicle conditions of licence number 4.8.

Hackney Carriages, Private Hire Vehicles, Drivers and Operators must comply with conditions set by the Council and attached to their licences.

The consultation period will commence on 8th March 2011 for a 12 week period, and will end on 7th June 2011.

The consultation document will be available to be viewed from 8th March 2011 online at www.telford.gov.uk, in all public libraries, and at the main reception areas of both Civic Offices and Darby House during the Council's usual business hours.

To express your opinions on the proposed conditions, please write, fax or email, as detailed below:

Licensing Service, Telford & Wrekin Council, Darby House, Lawn Central, Telford, TF3 4LB

By fax: (01952) 383269

By e-mail: consultationlicensing@telford.gov.uk

We look forward to receiving your responses to the consultation on the review of Hackney Carriages & private hire/dual drivers conditions in due course.

Yours faithfully

The Licensing Service

Portfolio	Housing and Planning
Business Unit	Public Protection (Environmental Health, Licensing & Trading Standards)
Service Area	Licensing

Change of conditions - Consultation

List of consultees

Telford & Wrekin Council Hackney Carriage, Dual & Private Hire Drivers
Telford & Wrekin Council Hackney Carriage & Private Hire Vehicle proprietors and operators
Chief Executive & Corporate Management Team of Telford & Wrekin Council
Telford & Wrekin Councillors
Members of the Scrutiny Review Committee
Chief Constable for West Mercia Police
Police Licensing Officer for Telford and Wrekin area
Shropshire Fire and Rescue Service
Business Development Centre Manager for small businesses
Transforming Telford
Shropshire Chamber and Business Link
Wellington Chamber of Commerce
Premises licensed by Telford & Wrekin Council – LA2003 & GA2005
LTI vehicles
CAB Direct

In addition the Licensing Authority Consulted with

- Anne Walker – Neighbourhood Watch Administration Team – Malinsgate Police Station
- Police and Community Consultative Group – Malinsgate Police Station
- Local Safeguarding Children Board
- Environmental Health Section – Telford and Wrekin Council
- Trading Standards – Telford and Wrekin Council
- Planning – Telford and Wrekin Council
- Regeneration Section – Telford and Wrekin Council
- Tourism Section – Telford & Wrekin Council
- Equalities and diversity – Telford & Wrekin Council
- Disability Forum
- Safer and Stronger Communities partnership – Telford & Wrekin Council
- Telford and Wrekin PCT
- British Transport Police
- Telford Citizen's Advice Bureau
- ACRE – Actions with Communities in Rural England (Village Halls etc)

Town and Parish Councils and Local CSOs for the following areas:

- Chetwynd Parish Council
- Chetwynd Aston & Woodcote Parish Council
- Church Aston Parish Council
- Dawley Hamlets Parish Council
- Edgmond Parish Council
- Ercall Magna Parish Council
- Great Dawley Parish Council
- Hadley & Leegomery Parish Council
- Hollinswood & Randlay Parish Council
- Ketley Parish Council
- Kynnersley Parish Council
- Lawley and Overdale Parish Council
- Little Wenlock Parish Council
- Lilleshall & Donnington Parish Council
- Madeley Parish Council
- Newport Town Council
- Oakengates Town Council
- Rodington Parish Council
- St Georges & Priorslee Parish Council
- Stirchley & Brookside Parish Council
- Tibberton & Cherrington Parish Council
- The Gorge Parish Council
- Waters Upton Parish Council
- Wellington Town Council
- Wrockwardine Parish Council
- Wrockwardine Wood & Trench Parish Council
- Preston on the Wealdmoors
- Eyton on the Wealdmoors

Telford Housing Associations:

- Abbeyfield Wrekin Society
- Anchor Trust
- Bournville Village Trust
- Bromford Carinthia
- Hanover Housing Association
- Robert Moore Housing Trust
- Stay Supported Housing
- The Beth Johnson Housing Group
- Wrekin Housing Trust

Residents Associations

- Longacres Residents Association
- SORT Residents Ltd
- Stephenson's Apartments Residents Association
- Racedoor Residents Association

Community Organisations:

- Guru Nanak Darwar Sikh Temple, Oakengates
- Punjabi Cultural Society
- Regent Street Mosque
- Hadley Mosque
- New Testament Church of God, Ketley
- Black History Group
- Seventh Day Adventist Church
- Hadley Mens get together group
- The Pentecostal Church, Wellington
- Pakistani Welfare Association
- Shropshire Bangladeshi Welfare Association
- Telford Hindu Sabha
- Equal Project
- Telford West Indian Association
- The Black History Group
- South Telford Anti-Racist Committee
- Telford Women's Craft Group
- Schools Multi Cultural Development Service
- Shropshire Greek School
- Telford Central Mosque
- UK Telford Chinese School
- Chinese Christian Church
- Telford Cultural and Leisure Centre
- Visible Minorities Development Centre
- Asian Health Link Officer, Telford and Wrekin Primary Care trust.
- Sangat Parchar Sabha Community Organisation.
- Impact Alcohol Advisory Service, Wellington
- Telford African Welfare Association
- Age Concern, Telford Town Centre
- CARE, Telford
- CHEC Voluntary Organisation
- Children's Society, Telford
- Carer's Contact Centre, Leegomery
- Listen and Care Group, Randlay
- MENCAP, Wellington
- Asian Women's Group
- Ex-Services Mental Welfare Society
- Cancer Research UK
- Multiple Sclerosis Society, Wellington
- Salvation Army
- Telford and Wrekin Foster Care Association
- Wellington and District Cottage Care Centre Trust
- Young People's Support Scheme
- MIND, Telford
- Rural Stress Support Network
- Telford and Wrekin CVS
- Telford Christian Council

- Unicef, Telford
- Wellington YMCA
- RNIB
- RNID
- Scope
- Senior Citizens Forum
- Severn Hospice
- Sure Start Children's Centre
- Sutton Hill Family Project
- Telford Race Equality & Diversity Partnership (TREDP)
- Telford Islamic Academy
- Friendly Transport Service
- British Red Cross
- BTCV
- West Midlands Consortium Education for Travelling Children
- ESOL Tutor at Telford College Arts & Technology
- Sanctuary

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- Consultation on review of conditions

Consultation on review of conditions

Review of conditions of licence for Hackney Carriage and Private Hire Licences.

This review seeks to re-examine a number of the existing conditions covering vehicles and drivers.

The aim of the consultation is to review a number of conditions on which all relevant parties will have the opportunity to comment.

The conditions which are proposed to be reviewed are as follows:

- Private Hire Driver conditions of licence numbers 7.2(a) and 7.2(b) and the same dual driver conditions of licence.
- Hackney Carriage Vehicle conditions of licence number 3.2.
- Private Hire Vehicle conditions of licence number 4.8.

Hackney Carriages, Private Hire Vehicles, Drivers and Operators must comply with conditions set by the Council and attached to their licences.

The consultation period will commence on 8th March 2011 for a 14 week period, and will end on 21 June 2011.

To express your opinions on the proposed conditions, please write, fax or email, as detailed below:

*Licensing Service
Telford & Wrekin Council
Darby House
Lawn Central
Telford
TF3 4LB*

By fax: (01952) 383269

By e-mail: consultationlicensing@telford.gov.uk

We look forward to receiving your responses to the consultation on the review of Hackney Carriages & private hire/dual drivers conditions in due course.

View the consultation on review of conditions

Last updated 23/03/2011

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Licensing - Public Protection

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	Name	Private Hire Driver Condition 7.2	Dual Driver Condition 2	Hackney Carriage Vehicle Condition 3.2	Private Hire Vehicle Condition 4.8
1	Vicky Brain, Wellington Cottage Care Trust. Private Hire/ Hackney Carriage User	I do not think that someone who has committed a serious driving offence in the past should be allowed to drive a hackney carriage or private hire vehicle. The proposed condition – the requirement to take a DSA driving test specific to taxis and private hire vehicles – does not state how soon the DSA driving test should be taken after first being licensed. Presumably within the first 12 months, but it does not actually state this.	No comment	The conditions relating to accessibility and safety of wheelchairs are good. As part of the DSA driving assessment for taxis and private hire vehicles, drivers of accessible vehicles should take the enhanced assessment which includes a wheelchair exercise.	No comment
2	Mohsin Khan. Private Hire Driver	The proposed condition should be for new drivers as well as the drivers who are banned. Existing drivers should not take these tests.	The proposed condition should be for new drivers as well as the drivers who are banned. Existing drivers should not take these tests.	Yes I agree. All others should be included, such as E7, Fiat Skudo, VW transporter, VITO M8 and others which meet the conditions.	Agreed.
3	Patricia Fairclough. Resident and Town Councillor	I would expect the highest standard in qualification of driver of taxi and private hire car and demand of licence provider.	Again – as a user of taxi's and private hire cars I would expect the highest standards.	As we have a wheelchair dependent member of the family we expect that demand to be catered for.	Again highest standards expected. But Shropshire is a sparsely populated county and Telford & Wrekin make up one of the largest "urbanised" areas. Standards need to be the same County wide otherwise there will be an

					incentive to be licensed in the most economically advantaged area, and an attempt to “poach” fares across the borders. There needs to be one countywide set of conditions for taxis and hire cars – liaison across the County and agreement on conditions is imperative.
4	Terence Spooner, Managing Director Ultimate Taxis Ltd. Dual driver, vehicle proprietor, operator and resident.	It is unfair and unreasonable to expect all existing private hire drivers to have to do a DSA driving test. As all new drivers have to do the test & existing if they have any driving offences (should also be if they have any complaints about their driving skills). Why make it more difficult for existing drivers & create unnecessary expense for them. The current ruling (7.2b) makes sense, where as the proposed condition doesn't, why fix something if it isn't broken.	Why expect existing drivers to undergo additional training unless complaints are received? Again a rule is being created when it's not needed. If all new drivers are having to do a qualification then this will eventually ensure that all drivers will be qualified over a period of time anyway. As mentioned for comments 7.2a) and 7.2b) why fix something that isn't broken!?! If a driver is reported via a complaint or serious offence then he/she should do the DSA test. However with all new drivers having to do the DSA test, eventually this will phase out all existing drivers anyway. Although mentioned in the taxi forum recently drivers having to pay even more monies to obtain a licence & the comment was made about potential drivers getting redundancy. This is a very small minority. Most drivers have got very little. What are	London for a start cannot & should not be compared to a rural area such as Shropshire. We understand having standards but why copy standards of a city which is heavily congested & doesn't even compare. All T&W HCV in line with DFT should be wheelchair accessible but so long as they are this & are also M type approved then why put restrictions on model etc. As mentioned in the taxi forum about PHV not having roofsigns this is a ludicrous suggestion as PHV with no roofsigns will open the floodgates for bogus drivers. To distinguish between PH & HC bring in a condition	Vehicles are built to last & are considerably better than they were several years ago. Why not introduce a 10 year age limit for all vehicles? This would make vehicles somewhat easier & more viable to purchase for drivers & operators. After all so long as the vehicle is well maintained, which they would have to be to get through a 6 monthly compliance test (after they are 5 years old) & in order to so cosmetically, bodywork looks in good condition then why have a restriction on age of just 7 years for MPV's & cards & 8 years on minibuses. However we do appreciate you recognising that minibuses should have a

			<p>they supposed to do in this situation? Beg, borrow. It has to be realistic they are becoming licensed to drive a PHV or HCV not graduates with the prospect of high earnings. How is the trade going to attract drivers if they have to pay a small fortune & overcome several obstacles over a period which is going to take a couple of months (at least) to become taxi drivers. If you are so keen to get a good level of standard drivers/ persons coming into the trade why not have aptitude tests & bring in another condition whereby drivers no matter which part of the world they come from, must have a reasonable communication/ command of the English language (this is an accident waiting to happen). After all currently there are drivers that cannot speak a word of English! Isn't this of more concern in the case of an emergency & how does this give the customers any confidence or respect for the trade. How have these drivers got licences in the first place! Instead of moving goal posts further I would respectfully request that the current situation is looked at & changed for the benefit of all. Not just a waste of existing drivers money.</p>	<p>whereby all HC have to be black & uniform PH that have no PHV in future will be licensed that are black (only existing ones to the end of their age).</p>	<p>longer age limit instead of the 5 years previously.</p>
5	Mohammed Sultan.	No comment	No comment	I would like to stick with the	No comment

	HCV proprietor			PCO, which what we have done for the last 20 odd years.	
6	Dave Simmons. HCV driver/ vehicle proprietor	No comment	No comment	No E7's or E7 type vehicles, Keep PCO conditions as have always had.	Age limit to low already.
7	Abid Tawasin. HCV driver/ vehicle proprietor	No comment	No comment	Dear Sir/ Madam. As a Hackney Carriage proprietor and representative of Telford Hackney Association, our trade don't want multi purpose vehicle, we are in Telford 100% WAVs we are being forced to abide by the 2010 Equalities Act when in actual fact we do not have to enter, because we are 100% WAVs. Therefore I urge Council Licensing Committee that they consider trade worry and concern, before they made any decision.	No comment
8	Amir Afzal. HCV Driver	No comment	No comment	PCO conditions. I don't want E7 type vehicles.	No comment
9	Mr Mahmood Hussain. HCV Vehicle proprietor	No comment	No comment	I do not want the E7 on in Telford they are not as safe as the taxis we have on now nor are they built as strong.	No comment
10	Brian Smith, HCV vehicle proprietor	No comment	No comment	Do not want the E7 or E7 type vehicle brought on in Telford as Hackney	No comment

				Carriage it is not London Type Taxi.	
11	Sohan Singh. HCV Vehicle driver/ proprietor	Should take DSA Driving Test	Should take Driving Test	PCO approved. I want to keep purpose built taxis only.	Private Hire how long should be five years max.
12	Muhammad Khan. HCV Driver	No comment	No comment	I want the PCO condition as they are.	No comment
13	Abdul Rashid. Dual driver/ Vehicle proprietor	No comment	No comment	Keep PCO conditions	No comment
14	John Briggs. HCV Driver	In agreement with the above and also a stiffer knowledge test as half these drivers don't know where they are going.	In agreement	A purpose built Hackney is always the most popular with visitors and business people.	Every six months to be tested is a good idea as they do an awful lot of mileage in comparison with normal drivers.
15	M Singh. HCV Driver	1. Keep current condition. 2. DSA driving test should be taken ensures safety & quality of service.	No comment	No change in PCO. Reason 1. Safety issues with multi purpose Hackneys. 2. Increasing risk of passengers & driver.	Should not have age limit greater than 5 years due to excessive mileage increases age of normal car compares X4.
16	Kulwinder Singh Punia. HCV Driver/ vehicle proprietor/ operator	Proposed condition	Take DSA test	Keep PCO conditions	No comment
17	Afzal Amir. HCV Vehicle proprietor	No comment	No comment	Keep as Public carriage office as it has always been.	No comment
18	Mohammed Niwaz Choudhry HCV Driver	Proposed condition	No comment	Keep PCO conditions	5 years only
19	Ashley Black. HCV Driver/ vehicle	No comment	No comment	I am happy with the TX range of cabs as No.1 they	No comment

	proprietor			are reliable, comfortable for the public and the parts are easy to purchase, and the public find it easier to use i.e. wheelchairs. If there is an influx of Cabs fetched in you might as well say the business is finished as we are scraping a living as it is.	
20	TS Dhaliwal. HCV Driver	Keep current condition and take DSA test	Keep current condition and take DSA test	Keep PCO condition. No work	5 years age limit plenty
21	Margaret Wenlock. HCV Driver/ vehicle proprietor	No comment	No comment	Keep PCO conditions as per 20 years	No comment
22	James McInerney. HCV Driver	No comment	No comment	Remain within PCO rules as we have done for 25/30 years.	No comment
23	Ranjit Singh Kalirah. HCV Driver/ vehicle proprietor	Current condition. Take DSA Test	Take DSA test	Keep PCO conditions	5 years plenty
24	Malcolm Hayward. HCV Driver/ vehicle proprietor 2 responses, 1 of which is a direct response to the consultation, the 2 nd an email expressing the same comments on Hackney Carriages.	Maintain existing condition and in addition add: That a DSA Driving Test shall be taken by all existing Private Hire Drivers within 24 months (of this condition coming into force)	The status quo is adequate. Maintain existing condition and in addition add: That a DSA Driving Test shall be taken by all existing Dual Drivers within 24 months (of this condition coming into force).	The proprietor shall ensure that the Hackney Carriage shall only be of the type approved for public hire used by the Commissioner of Police of the London Metropolitan area, namely a purpose built vehicle designed to carry up to seven passengers (By the way I cannot see a choice in this CONDITION above). The above condition has	The age limit for Private Hire cars is far too long for vehicles do more miles in one year than a normal vehicle does in its lifetime and are not manufactured as purpose built vehicles.

				<p>worked with no problems for over twenty years and I see no reason to alter it at all, the condition has been excepted by Telford Council during this period with no problems, the Vehicles that can be licensed at the moment namely the TX series of taxis and the Mercedes can do anything that you would expect a taxi to do in its day to day work including carrying disabled passengers, these vehicles are not intended to be Ambulant Type Vehicles and should not be seen to be so. T&WDC HAVE ADEQUATE VEHICLES OF THEIR OWN TO DO ANY AMBULANT TYPE PASSENGERS. (They are part of the Transport plan.)</p>	
25	Wellington Town Council	No comment	No comment	No comment	No comment
26	Telford & Wrekin Division Police	No objection	No objection	No objection	No objection
27	Newport Salop Town Council	No comment	No comment	No comment	No comment
28	Anonymous (David Kennedy) PHV Driver Several comments,	No comment	No comment	No comment	No comment

	none of which are related to the consultation exercise.				
29	Mike Pymm PHV Driver	No comment	No comment	<p>The London Taxi Cabs that are promoted and licensed by the council are amongst the highest polluting (passenger carrying) vehicles that are on our roads.</p> <p>They are all above 200 g/KM of CO2 emissions and many of the older vehicles emit over 250 g/KM CO2 emissions.</p> <p>Compare these vehicles with the new range of 5 seater salons like the Skoda Octavia diesel (1598 cc) with emissions of 114 g/KM and VW Passat diesel (1598 cc) with 118 g/KM of CO2 emissions.</p> <p>The council's vehicle licensing conditions make no mention of CO2 emissions and in fact these vehicles (and many others) are banned from use and the council refuse to licence any vehicle with a engine below the 1600</p>	No comment

				<p>cc.</p> <p>When are Wrekin council going to stop licensing the most polluting vehicles on our roads and do something to promote lower CO2 emitting vehicles?</p>	
30	LTI, Manufacturers of Hackney Carriage Vehicles currently approved for use by Telford & Wrekin Council	No comments	No comments	8 page response document, letter and 4 page promotional leaflet – see separate documents.	No comments

Telford & Wrekin Council Licensing Conditions Consultation

06/06/11

Introduction

This document lays out the full response of The London Taxi Company to the Telford & Wrekin consultation on the licensing conditions within the borough. It is structured so that it answers the four primary and five secondary questions set out in the consultation. We have limited our responses to areas on which we can comment with authority

Response to Consultation.

Question 1

We have no comment to make on this issue.

Question 2

We have no comment to make on this issue.

Question 3

We believe that it would not be wise or advantageous to Telford & Wrekin Council to move away from the type approval for public hire used by Transport for London. We, therefore, cannot agree with the proposed changes set out in 3.2 of this consultation.

The London Taxi Company is the manufacturer of the London style 'black cab', purpose built for disability access and recognised throughout the world as a classic British icon. For some time we have argued that the Conditions of Fitness, used by your council, provide the gold standard in taxi licensing. These regulations have been developed by you over many years to ensure that the public are served by the highest standard of vehicle.

Your licensing conditions exist to ensure that the Telford & Wrekin area is serviced by a professional Hackney Carriage fleet that reflects the superior standards that the council wishes to promote across the area. It is often the most visible service the council provides to visitors to the area who may be thinking of investing. It provides a safe and efficient form of transportation that supplements and segues with other public transport services.

These conditions can be met by other taxi manufacturers with a simple adaption to their steering systems, however they find it easier to pressure local authorities to change their conditions rather than seeking to comply with them.

Transport for London licensed a converted Mercedes/Vito taxi in June 2008 which meets the existing conditions and you have subsequently licensed this vehicle in

Telford. **This shows that manufactures can meet your Conditions of Fitness if they choose to make the investment.** Your licensing conditions are there to be met by manufactures not to be amended to benefit individual companies.

We would like to remind you of some of the reasons that we believe that your existing conditions best serve the public who use hackney carriages.

Recognisability

Your Conditions of Fitness ensure that the public are served by a clearly recognisable taxi, which can be hailed on the street. This helps ensure the safety of passengers and eliminates confusion with private hire vehicles.

It is deeply unfortunate that there are high levels of sexual attacks by drivers of unlicensed 'taxis' across the UK. It is for this reason that it is important to retain a clearly identifiable taxi fleet – so that the public are absolutely sure that the taxi they or their children get into is safe and the driver is licensed.

For this reason we believe it is imperative that only taxis meeting the existing Conditions of Fitness should continue to be licensed as hackney carriages. If you were to decide to weaken your current taxi licensing conditions, to allow converted vehicles into your city, you will have approved the instant dilution of your existing recognisable fleet. The consequence of this decision will be to open your city to a plethora of different converted vans. The rank from another area shown below, gives an idea of this point.



It is for this reason that the Local Government (Miscellaneous Provisions) Act 1976, section 48 (1)(a)(ii): states "*...a district council shall not grant a [Private Hire Vehicle] licence unless they are satisfied (a) that the vehicle is (ii) not of such design and appearance as to lead any person to believe that the vehicle is a hackney carriage.*"

Companies such as Allied Vehicles sell exactly the same vehicle to both private hire and Hackney operators, the only difference being a hire sign. The London Taxi Company's vehicles are never sold for private hire use under any circumstances.

By watering down your conditions to include the widest possible spread of vehicles you will be preventing the public from being able to clearly identify in all conditions the difference between a licensed taxi and a private hire vehicle. This could lead to the virtual collapse of any distinction between the two forms of taxi service which will not benefit the council, the licensed taxi drivers or the public.

We urge you to ensure that licensed taxis remain clearly visible and distinct from private hire vehicles.

The 25 foot Turning Circle

At the heart of the current licensing conditions is the 25 foot turning circle, which allows taxis to safely and quickly cross to the other side of the road in one manoeuvre rather than make a 3-point turn. This is used every hour of every day by drivers in Telford. It is safer than getting passengers to cross the road and causes less pollution and congestion when rejoining the rank or leaving in the opposite direction of travel.

In the Public Carriage Office's review of the London Conditions of Fitness they concluded that "the tighter turning circle offers tangible, significant benefits to the travelling public"¹ and that, "**the tight turning circle on existing London taxis is of considerable practical significance to passengers and road users**"².

Vehicle converters, such as Allied Vehicles, can adapt their vehicle to meet the turning circle requirement; this has been independently confirmed by engineers MSX International and the launch of the Mercedes Vito taxi. It is simply a fact that producers do not wish to incur the costs for these modifications to meet your requirements and would rather get you to lower your standards to the detriment of the public. **There is therefore no reason for converters not to meet the existing taxi licensing conditions.**

The travelling public benefits from this feature as they are assured that a driver can get them to their destination in the minimum of time regardless of which side of the road they hail the cab from. Drivers have the benefit of being able to change direction smoothly and efficiently should they need to due to some unexpected traffic issue. While, finally the council benefits as taxis will cause less congestion to busy roads and emit less pollution due to journeys being as short and efficient as possible.

We urge you to ensure that all licensed vehicle in Telford continue to be required to have a 25 foot turning circle.

Purpose Built for Disability Access

¹ page 9, 1.10; Public Carriage Office: Reconsideration of three aspects arising from the 2003 review of the Conditions of Fitness for London Taxis: 15 December 2005;

² page 21, 2.51; Public Carriage Office: Reconsideration of three aspects arising from the 2003 review of the Conditions of Fitness for London Taxis: 15 December 2005;

Recognisability and the turning circle are not the only reasons to retain your current taxi licensing conditions. With the passage of the Equality Act 2010 and the new general duty on local authorities to ensure disabled access to services it has never been more important to consider the needs of disabled consumers. We at The London Taxi Company take this duty very seriously and that is why our purpose built taxis are designed for full disability access.

Unlike our competitors, we do not just focus on those disabled members of the community in wheelchairs exclusively but broaden out our focus to include the widest audience possible. This includes amongst other groups the partially mobile, the elderly, the deaf and the partially sighted.

The authoritative Spinal Injuries Association Report³, which thoroughly compared our vehicle and the Peugeot E7, reached the following conclusions;

- The TX has two useful features fitted as standard not found in the E7; namely a swivel seat to assist entry for ambulant disabled, and an induction loop (as standard) for those with hearing impairments
- The TX ramp is more stable and secure than the E7
- Allied Vehicles' E7: 'High force is need to open the door: Wheelchair users with limited hand movement had difficulty in opening door'
- Allied Vehicles' E7 has 'less head room than the TX. Some users needed to duck when entering the cab'.
- 'The door height and width are also greater for the TX, making Wheelchair access better'

The report provides an 'unbiased comparison of the facilities offered by the two vehicles'⁴.

The photographs below clearly demonstrate that our ramp angle and length is much more practical than the Peugeot E7.



The purpose built taxi can accommodate 90% of all wheelchair users. The Departments for Transport's Mobility and Inclusion Unit, RADAR (the UK's leading

³ Spinal Injuries Association: 'Accessible Taxis for the Disabled a Comparison between London Taxis International – TX11 and Allied Vehicles LTD – Peugeot E7'; Spinal Injuries Association May 2006

⁴ Page 3: Spinal Injuries Association: 'Accessible Taxis for the Disabled a Comparison between London Taxis International – TX11 and Allied Vehicles LTD – Peugeot E7'; May 2006

pan-disability charity), and the Spinal Injuries Association all accept that **‘no single vehicle could achieve 100% suitability for all disabled groups’**.⁵

Other features that can be found on the purpose built taxi include:

- TX series has a swivel seat as standard
- TX series has a hearing loop as standard
- TX series has a special child seat belt as standard

None of the above is standard on conversions and most are not fitted at all and so would not be available should Telford approve a multi-purpose fleet.

It is clear that TX style taxis provide by far the best overall disability access, providing access for 95% of the 10.8 million disabled people in the UK. No other vehicle can so effectively meet the needs of the general public as the purpose built taxi can allowing the council to meet its statutory duty whilst providing a high level of service to the public. This would not be the case if the licence conditions were weakened.

Just recently, Ms Jan Goodall of the Dundee Celebrate Age Network complained to Dundee Council that the myopic concern of the local authority for wheelchair users was detrimental to other members of the disabled community. The elderly and partial mobile passengers found that the taxis on offer were unable to meet their needs. This was the direct result of the council lessening its conditions and opening up its taxi fleet to different types of vehicles.

The TX taxi is capable of meeting the requirement set out in 3.3 of this consultation and we would support this condition. Currently, we ensure that all drivers of TX taxis are fully aware of the fittings to be used to secure wheelchairs and are continually improving our ways of communicating this to the public. We therefore, support proposal 3.4. Finally, all our vehicles carry ramps and the associated equipment to ensure wheelchair users can use the vehicle at any time. We support your proposal at 3.5.

The requirements you set out at 3.3-3.5 merely highlight the problems that the council will face should it try to lessen the high standards that currently operate in the Telford area and this can only be to the detriment of passengers.

We urge you to ensure that all licensed vehicles are capable of meeting the needs of the widest section of the community possible.

Step Height

Your Conditions of Fitness currently require the step height into a taxi not to exceed 38cms or if it does exceed this height than an intermediate step must be fitted. The E7 floor (step height), for example, is 51cms without a step. The optional electric step is not standard on every vehicle, so it is not guaranteed to be fitted. If it is not fitted then

⁵ Spinal Injuries Association: ‘Accessible Taxis for the Disabled a Comparison between London Taxis International – TX11 and Allied Vehicles LTD – Peugeot E7’; May 2006

passengers are faced with a step height of nearly 150 mm higher than the present taxis. This causes passengers significant difficulty as is demonstrated below.



New E7

This is an issue that affects multi-purpose vehicles but is not present in the purpose built taxi currently in use. Should the conditions be weakened to allow these types of vehicles to operate, the public will find it increasingly difficult to access taxis to the detriment of vulnerable members of the community.

We urge you to ensure that all licensed vehicles are required to have a maximum step height that does not exceed 38cms.

Environmental Considerations

We are sure that environmental considerations are of concern to your Council. Our current TX4 vehicle emits 211g CO₂ per km. This is virtually the same as Allied Vehicles' E7, which you are considering allowing to be licensed under these new proposals. Their CO₂ emissions are only 13g CO₂ per km lower at 198g CO₂ per km. In real terms there is no difference between the vehicles' environmental efficiency.

The E7 is much larger than the TX4 and less manoeuvrable, with its 34ft turning circle, it is therefore forced to perform more three point turns, which uses more fuel and emitting more CO₂.

Safety

The TX series offer exceptional protection to passengers in cases of road traffic accidents. The steel body is mounted on a solid steel chassis and meets the highest level of European Whole Vehicle Type Approval.



The accident above took place in Edinburgh in 2007 and you can see the taxi's headlight shining out beneath the giant skip that fell on it.

The driver, Sharon Bain said,

"I was trapped against the steering wheel, lying on my left side, with one of the skips right at my shoulder,"

"The passengers had been protected by the vehicle and because the taxi is so solid it took the fire service quite a while to get to me. If I had not been in a purpose-built taxi, I would never have survived. The fire brigade told me that."

A mother and two children who were passengers when the skip tipped over onto the cab were helped to safety and were completely unhurt.

Cost of Current Taxi Licensing Condition

It is sometimes argued that the current taxi licensing conditions cost the trade and passengers. However, a Public Carriage Office review concluded:

- "There would be no cost savings to drivers and passengers."
- For taxi users the introduction of greater competition into the market would be likely to have no impact on fares.
- even using assumptions that are most generous to AVs [alternative vehicles] the reduction in fares would rise to about 12p (or 1%) after 20 years⁶

⁶ page 79, 11.42; Public Carriage Office: Reconsideration of three aspects arising from the 2003 review of the Conditions of Fitness for London Taxis: 15 December 2005;

Conclusion

In conclusion, the majority of the Telford's taxi trade and general public do not want your regulations diluted.

The current taxi licensing conditions, defined by the 25ft turning circle, provide a gold standard in taxi provision, which works very successfully in Telford and is capable of being met by a range of suppliers.

The current taxi licensing conditions exist to be met by manufacturers and for public protection, not to be weakened to help companies sell their vehicles.

- We believe your current conditions are the gold standard and should not be diluted.
- The disabled are well served by the present fleet
- The turning circle is used every hour of every day to help the safety of passengers
- Manufacturers or converters can meet these regulations if they wish, as One80 have done with the Mercedes Vito you have recently licensed

We urge you to retain your existing licensing conditions that secure the highest quality of service to the widest section of the public ensuring that Telford remains a competitive area in these tough economic times.

Question 4

We have no comment to make on this issue.

Telford & Wrekin Council
Hackney Carriage Conditions of Licence – 10th January 2012

1. Identification Plates	
1.1	The external identification plate issued by the Council shall at all times be fixed to the outside rear of the Hackney Carriage by the proprietor to the place provided by the manufacturer or in accordance with reasonable instructions of an Authorised Officer of the Council. The plate should be fitted in such a manner as to be easily removable by such officer or Police Constable. On the suspension of a vehicle licence and where a "Licence Expired" plate has been fitted to the vehicle that plate may only be removed by an Authorised Officer of the Council.
1.2	The fare card where issued by the Council shall at all times be kept and maintained inside the vehicle in accordance with the reasonable instructions of an Authorised Officer of the Council.
1.3	The proprietor of the vehicle shall ensure the identification plates are maintained and kept in such a condition that the information contained on the plate is clearly visible to public view at all times. The identification plate remains the property of the Council and must be returned to the Council within 7 days of expiry of the vehicles licence if not renewed. Plates are not transferable except on application.
1.4	The Council will not licence a vehicle for hire & reward which is licensed by another Local Authority or allow or permit a Hackney Carriage identification plate issued by another Authority to be displayed upon the vehicle.
2. Type of Vehicle	
2.1	All vehicles submitted to the Council for licensing as Hackney Carriages shall meet the safety standards of M1 Category European Whole Vehicle Type Approval .
2.2	The proprietor shall ensure that the Hackney Carriage shall only be of the type approved for public hire used by the Commissioner of Police of the London Metropolitan area, namely a purpose built vehicle designed to carry up to seven passengers and that complies with the following;
2.3	The vehicle must have provision for a minimum of at least one wheelchair,
2.4	A certificate should be produced showing all of the fittings used to secure wheelchairs to the floor of the vehicle are to Department of Transport specifications.
2.5	The appropriate ramps and associated equipment for loading wheelchairs into the vehicle in the approved manner must be carried and used at all times.
2.6	The age limit for Hackney Carriage vehicles is ten years. The Council may waiver the age restriction in the case of individual vehicles where an application is made and the Council considers that the vehicle is of "exceptional condition". Where vehicles are of "exceptional condition" and continue to be licensed over the 10 year age limit, the vehicle will be subject to 6 monthly compliance tests.
2.7	Vehicles equipped with Space Saver / Skinny/ Get you home tyres will not be licensed by the Council. All Hackney Carriage vehicles must be fitted with manufacturers approved tyres of the same size and type including the spare wheel.
2.8	The Council shall refuse any vehicle submitted for licensing which has been equipped with manufactured or retro-fitted blacked out windscreens and/or windows. Standard tinted windscreens and windows are acceptable providing all occupants in the vehicle can be clearly seen from the outside with the doors closed and the windows up. In any case proprietors are advised to consult the Council if in any doubt before purchasing such type of vehicle.
2.9	The proprietor of the taxi shall ensure that no non-standard unauthorised alterations or modifications are carried out to the vehicle or to the engine.
2.10	The proprietor of the taxi shall ensure that the exterior colour of the taxi is black, or one of the manufacturer's colours, the use of which has been approved by the Council.
3. Condition of Vehicle	
3.1	The proprietor shall ensure that the Hackney Carriage shall be maintained in a sound mechanical and structural condition at all times and be capable of satisfying the Council's mechanical and structural inspection at any time during the continuance of the vehicles licence. The interior and exterior of the Hackney Carriage shall be maintained in a clean, safe condition by the proprietor. The proprietor shall not allow the mechanical and structural specification of the vehicle to be varied without the consent of the Authorised Officer of the Council. The vehicle shall at all times whilst in service for hire and reward, display a current vehicles excise road fund licence.
4. Fire Extinguisher and First Aid Kit	
4.1	Fire Extinguisher – Road Vehicle (Construction & Use) Regs. 1986 – Schedule 7 Must be suitable to the risk and is to be carried in the vehicle at all times and securely fixed in the approved manner and in such a position as to be readily available in any emergency. It must be a fire extinguisher no smaller than 1.8 kgs in weight incorporating a built in pressure display gauge and to contain dry powder or water or other chemical re-agent recommended for use in vehicle fires. The extinguisher shall comply with BS 5423 and/or EN3 and shall be a testable item on Compliance Standards Testing of licensed vehicles.
4.2	First Aid Kit - Road Vehicle (Construction & Use) Regs. 1986 – Schedule 7 A standard size and type of first aid equipment which complies with the requirements laid down by the Department of Transport for taxis and minibuses in accordance with Regulation 43 and must be carried on the vehicle at all times.
5. Child Safety Seats	
5.1	The Vehicle Proprietor in conjunction with the Operator and the Driver, shall provide and make available to any customer so requesting, an approved infant or booster seat or the provision of extra equipment to facilitate the safe conveyance of children during bookings or from Taxi Ranks. (The number of seats held by the company shall be determined by the Operator and the Vehicle Proprietor in accordance with an assessment of supply and demand). All seats provided shall conform to U. N. Safety Standards R44.03
5.2	The Vehicle Proprietor in conjunction with the company and/or the Driver shall ensure that any infant seat

Telford & Wrekin Council
Hackney Carriage Conditions of Licence – 10th January 2012

	used during a Hackney Carriage journey will be used in accordance with the manufacturer's instructions.
5.3	Based upon supply and demand, the Proprietor in conjunction with the Operator and Driver shall decide, whether or not the child safety seats provided by them are kept at the company base, and made available to drivers as and when required, or kept upon selected licensed vehicles or both.
6.	Light Trailers
6.1	All Trailers must be of a design such that when close coupled to the prime mover (the vehicle towing it) it does not interfere in any way whatsoever with the operation of any rear door, emergency exits or wheelchair access ramps etc.
6.2	If the unladen weight of any Trailer submitted for testing exceeds 1,200 kgs, a prescribed Ministry Plate must be fitted to the nearside of the Trailer except where said Trailer is fitted with parking brakes and brakes that act automatically on the overrun of the Trailer.
6.3	In any case all Trailers shall meet the braking requirements in accordance with the type and size of said Trailer.
6.4	All such Trailers shall not exceed the gross weight limit of 3,500 kgs but in all cases the proprietor should consult the vehicle handbook regarding manufacturer's recommendations particularly where unbraked trailers may be in use.
6.5	All Trailers will be subjected to a Compliance Standards check and if found to be satisfactory, issued with a one year certificate
6.6	The Trailer shall be fitted with a rigid hard top and shall be sealed against rain and water to protect luggage and goods.
6.7	The owner/operator of the Trailer shall ensure that the material facts are disclosed to the Insurer and that adequate insurance cover is arranged for the carriage of luggage and/or goods and proof of such cover is to be provided to the council.
7.	Signage
7.1	The following signs and notices will be displayed on licensed Hackney Carriages during the currency of the Licence:-
7.2	Notices issued from time to time by Telford & Wrekin Council for the information of the travelling public.
7.3	A copy of the approved table of fares displayed in a clearly visible position.
7.4	A sign stating 'Seat Belt Regulations – Seat Belts must be worn'.
7.5	A sign bearing the words 'First Aid Kit Carried' fixed to the rear body work of the vehicle.
7.6	A sign on both rear doors of the vehicle as issued by the Council regarding No Smoking.
7.7	A sign (the nationally recognised symbol) confirming that the taxi is wheelchair accessible and caters for the needs of the disabled.
7.8	A sign (if applicable) confirming that the driver of the vehicle accepts travel tokens.
7.9	A certificate (if applicable) confirming that the driver named on such certificate is exempt on medical grounds from carrying wheelchair bound passengers.
7.10	A certificate, if applicable, confirming that the driver is exempt on medical grounds from carrying approved Guide Hearing and other Assistance Dogs.
7.11	Hackney Carriage Vehicles should display a replica Hackney Carriage Licence plate issued by the Council, affixed to the inside of the vehicle, in the prescribed manner, so as to be plainly visible to fare paying passengers.
8..	Advertisements
8.1	Commercial advertisements may be displayed on the exterior of the front doors of licensed vehicles (although advertising may be considered on other areas) but in any case all advertising must comply with the following requirements;
8.2	The Council's written permission is required before the display of any advertisement,
8.3	Any advertisements shall not advertise unsuitable material, such material to be at the sole discretion of the Council.
8.4	All advertisements shall comply with the British Code of Advertising Practice and shall be in a form acceptable to the Advertising Standards Agency and the Council. The Council reserves the right to withdraw any advertisement which may be considered inaccurate, misleading, unlawful, defamatory, in bad taste or of an unacceptable standard,
8.5	No advertisement shall relate to or advertise alcohol or tobacco or be of a political nature.
8.6	Commercial advertisements may also be displayed on the base of the tip up seats and above the glass passenger partition. Such advertisements must first be approved by the Council before display, and must not obstruct the driver's view of the road or the passenger's view of the meter.
8.7	Details of the operating firm of the taxi may be displayed on the vehicle but only in accordance with the conditions below, except for sub-clause b) below which only relates to advertisements inside the vehicle:-
8.8	An internal sign may be affixed, but only to the nearside internal partition glass, in top nearside position, facing to the rear;
8.9	No sign shall exceed 51 centimetres wide by 8 centimetres high (although this condition only relates to internal signs);
8.10	A sign shall not display anything other than the name of a firm, radio circuit or association and/or telephone number;
8.11	No sign shall refer to any firm, radio circuit or association or telephone number which is outside the Telford & Wrekin Council area;
8.12	No such sign shall be illuminated.
8.13	The proprietor shall ensure that any advertisements carried on their vehicle are not disfigured or damaged and shall immediately remove any advertisement that are or become damaged or disfigured.

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9.	Council Notices
9.1	The proprietor shall cause to be affixed and maintained in a conspicuous position in accordance with the directions of the Council any sign or notices, as required from time to time by the Council.
10..	Passengers
10..1	The proprietor shall not permit any person other than the driver to ride in the front of the vehicle, except in a vehicle that has an approved type of seat and seatbelt fitted at the time of manufacture or has an additional seat retro-fitted by a company with a history and expertise in that type of work.
NOTE	Note that any additional seats retro-fitted into licensed vehicles will increase the passenger carrying capacity of the vehicle and proprietors must ensure that Vehicle Registration Documents are submitted to DVLA Swansea to be updated to reflect the number of additional passengers the vehicle can carry for hire and reward. (The Council will only licence vehicles to the maximum seating capacity shown on the Vehicle Registration Document.) Central Motion locks should apply to all passenger doors.
11.	Taximeters
11.1	The proprietor shall cause the vehicle to be fitted with a taximeter approved by the Council and for it to be located within the vehicle in accordance with the reasonable instructions of an Authorised Officer of the Council.
11.2	The proprietor shall ensure that any meter fitted shall be technically capable of accepting any restrictions or fare scales that the council wishes to programme into that meter.
11.3	Any Hackney Carriage vehicle so fitted with a meter must be equipped with the standard size tyres as approved by the manufacturer of the vehicle. Retro-fitted low profile tyres which will affect the performance and accuracy of a meter are not acceptable if fitted after the meter has been tested and sealed. Any such tyres of a low profile type must be fitted before the meter is tested. Any contravention of this condition will result in the immediate suspension of a Hackney Carriage Vehicle licence.
12.	Fare Tables
12.1	The proprietor shall ensure that a copy of the current fare table supplied by the Council from time to time is exhibited inside the vehicle at all times in the location provided by the manufacturers of the vehicle or in accordance with the reasonable instructions of an Authorised Officer of the Council.
13.	Insurance
13.1	Insurance certificates or cover notes issued to cover “any vehicle” or “any driver” must be accompanied by “any vehicle and/or any driver” schedule(s) together with a signed statement of undertaking by the insurance policy holder that the said schedule(s) does not contain information or details relating to vehicles and drivers which would fall into exemptions stipulated by the Insurance Company when the policy was issued.
13.2	Proprietors shall provide to the Council proof of Public Liability Insurance to the value of £5,000,000
14.	Convictions
14.1	The proprietor of the vehicle shall notify the Council of any conviction recorded against him or her by any court within 7 days of such a conviction being imposed.
15.	Transfer of Licence
15.1	The Proprietor of a Licensed Hackney Carriage wishing to replace a licensed vehicle with another vehicle must apply for a new vehicle licence. The proprietor will be required to supply to the Council all relevant information relating to the new vehicle.
15.2	An appointment to test the new vehicle will not be made by the Council unless the vehicle is available for immediate inspection and in any case no more than 48hours in advance. The proprietor must also undertake to licence the vehicle immediately after testing.
15.3	A fee will be paid at the Council approved Testing Station for the mechanical and electrical inspection of the replacement vehicle and a new Certificate of Compliance issued before the licence is transferred.
16.	Customer Feedback Cards
16.1	The proprietor shall ensure that customer feedback cards should be installed in all Hackney Carriages asking for feedback on customer service with the results of the customer feedback being shared with operators, the Council and the Chairman of the Council's Licensing Committee.
17.	Equipment
17.1	The proprietor shall ensure that all Hackney Carriages must carry at all times a warning triangle and an appropriate set of vehicle spares (e.g. spare bulbs etc).
N.B.	Additional Notes
1.	This list of conditions is not finite and additional information regarding all aspects of Hackney Carriage licensing in detail can be found in the official handbook issued by Telford & Wrekin Council.
2.	Any requirements of legislation which effect the operations being carried out under the terms of this licence shall be regarded as if they are conditions of this licence. Wherever there appears in the licence Conditions, Guides or Handbook, a summary of any statutory provision you are advised that such summary is not exhaustive. If you are in any doubt about any information contained in this document please contact the Licensing Service for advice on 01952 – 383262.

Criteria for “Exceptional Condition” – Hackney Carriages

1. Exceptional condition, relates to the standard of the vehicle only and does not include circumstances pertinent to the proprietor.
2. Any request for an exemption due to a licensed vehicle being in “exceptional condition” would normally be granted for a maximum 12-month period, after which time the decision must be reconsidered against the agreed standards.
3. That the consideration for an exemption to the age limit would normally only be considered for vehicles currently licensed with the Council.
4. That any vehicle licensed outside of the standard age limit policy should be subject to 6 monthly vehicle compliance tests at the owners expense.
5. Any vehicle inspection resulting in a fail due to any major item or more than 3 minor items, as defined in Telford & Wrekin Council’s Manual of Inspection Standards for Licensed Vehicle Testing and Compliance Standards, will usually result in the vehicle no longer being classed as in exceptional condition upon expiry of the licence.
6. As an indicator, it is not normally expected that vehicles that have accrued higher than average mileage for the particular type of vehicle will be able to meet the required standard for “exceptional condition. A good average mileage for a purpose built vehicle working 6 days a week is 35000 miles per annum.

In determining “Exceptional Condition” the following standards should usually be attained:

1. The vehicle must pass Telford & Wrekin Council’s compliance test, except where the failure was the result of no more than three minor items (as stipulated in the licensed vehicle testing manual of inspection standards).
2. The bodywork should be in near perfect condition with no signs of panel age deterioration, dents, scratches, stone chips or rust or any other abrasions that may detract from the overall appearance of the vehicle.
3. The general paint condition should not show signs of fading, discolouration or mismatching that may detract from the overall appearance of the vehicle.
4. The interior trim, panels, seating and carpets etc should be in excellent condition clean, free of damage and discoloration and as manufactured, i.e. no seat covers.
5. The vehicle service record can be used as supporting evidence of exceptional condition in that a vehicle of exceptional condition would normally be expected to demonstrate regular servicing and maintenance in accordance with the manufacturer's service specification.

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6. The vehicle to be in excellent mechanical condition and in all respects safe and roadworthy with no signs of corrosion to the mechanical parts, chassis, underside or body work.
7. The boot or luggage compartment to be in good condition, clean and undamaged.
8. Passenger areas should be free from damp or any other odours that may cause passenger discomfort.
9. The ramp and any other accessible features should be shown to be in full working order and showing no signs of rust or excessive wear to components?

Licensing Service
Telford & Wrekin Council
Darby House
Lawn Central
Telford
TF3 4JA

13th March, 2012

Dear Sir / Madam

Hackney Carriage and Private Hire Licensing Draft Policy

I write in response to your request for comments on the Draft Hackney Carriage and Private Hire Licensing policy. My company, Allied Vehicles, has specific input to offer in relation to the following points of the draft document.

Appendix E, Section 2

2.1 All vehicles submitted to the Council for licensing as Hackney Carriages shall meet the safety standards of M1 Category Whole Vehicle Type Approval.

Comment: This is a key requirement which is useful in ensuring high standards of public safety and, importantly, which is benchmarked objectively against a recognised international standard set by safety experts for vehicle design and construction.

2.2 The proprietor shall ensure that the Hackney Carriages shall only be of the type approved for public hire used by the Commissioner of Police of the London Metropolitan area, namely a purpose built vehicle designed to carry up to seven passengers and that complies with the following [continues to 2.3 and subsequent points];

Comment 1. We do not understand the reference to the London Metropolitan area in this draft licensing policy for Telford & Wrekin. No explanation is given of the link between the two locations.

Comment 2. In addition to the above, we do not understand the reference to the Commissioner of Police of the London Metropolitan area. As far as we are aware, he has no direct responsibility for approving or enforcing taxi licensing policy in Greater London.

Comment 3. If this specification, for Telford & Wrekin, is intended to rely upon the Conditions of Fitness for hackney vehicles as stated by Transport for London, you

should be aware that such a policy is contrary to Department for Transport Guidance¹ to local taxi licensing authorities, which states:

19. *Normally, the best practice is for local licensing authorities to adopt the principle of specifying as many different types of vehicle as possible . . . In that way there can be flexibility for new vehicle types to be readily taken into account.*

20. *. . . local licensing authorities should give very careful consideration to a policy which automatically rules out particular types of vehicle or prescribes only one type or a small number of types of vehicle. For example, the Department believes authorities should be particularly cautious about specifying only purpose-built taxis, with the strict constraint on supply that that implies. (There are at present only two designs of purpose-built taxi.) But of course the purpose-built vehicles are amongst those which a local authority could be expected to license.*

Comment 4. Such a policy also runs contrary to Guidance from the Department of Health², which states:

'Wheelchair users should not travel with the wheelchair at an angle or facing sideways.'

Research has shown that, because of inherently restricted floor space in London style taxis (which comprise the vast majority of the existing fleet in Telford & Wrekin), 96% wheelchair users are left to travel facing sideways³.

Comment 5. As you have previously been advised by the Equality & Human Rights Commission, a policy founded on the London Conditions of Fitness is unlawful under the Equality Act (2010) [previously the Disability Discrimination Act (1995)] because it has the effect of discriminating against a class of users of larger wheelchairs.

The Council has a positive duty to make a 'reasonable adjustment' to its policy, in order to place disabled people in a position as equal as possible with that of able-bodied people. Such an adjustment is readily available, simply by removing licensing restrictions which prevent the development of a diverse tax fleet (as encouraged by the Department for Transport guidance) and, in particular, prevent licensing of more wheelchair accessible vehicles such as the Peugeot E7 cab⁴.

¹ Department for Transport, Taxi & Private Hire Vehicle Licensing: Best Practice Guidance (2010)

² Medical Devices Agency, Guidance on the Safe Transportation of Wheelchairs (2001)

³ Lowland Report (2008)

⁴ Alma Lunt and Allied Vehicles (Intervener Equalities & Human Rights Commission) v Liverpool City Council [2009] EWHC 2356 (Admin).

Comment 6. A policy founded on the London Conditions of Fitness is also unlawful under Article 34 of the EU Treaty, because it restricts the sale of a product manufactured in another EU country⁵.

Comment 7. It is unclear whether: “. . . *complies with the following;*” means that the following is the list of specifications that require to be met; or that this list is in addition to “. . . *the type approved for public hire used by the Commissioner of Police of the London Metropolitan area . . .*”; or some combination of the two.

2.3 *The vehicle must have provision for a minimum of at least one wheelchair.*

Comment: This is an important and justifiable requirement. However it will be important to define what is meant by provision. We assume, for example, that you do not mean a place in which to carry a folded-down wheelchair. Similarly, it would be insufficient if vehicles were such that a wheelchair could be pushed *into* the cab, via an access ramp, yet it was unreasonably difficult (or impossible) to maneuver wheelchair users into the correct and safe position for travel and in which they will be safely secured.

2.4 *A certificate should be produced showing all of the fittings used to secure wheelchairs to the floor of the vehicle are to Department of Transport specifications.*

Comment: This is an important and justifiable requirement. However, as noted above, it will be redundant if wheelchair users cannot reasonably be safely positioned and therefore secured with the relevant fittings prior to travel. In setting such a requirement, it is important that it be effectively policed on presentation for licensing. We are, however, unaware of any such standards having been set by the Department for Transport for M1 vehicles, including taxis.

2.5 *The appropriate ramps and associated equipment for loading wheelchairs into the vehicle in the approved manner must be carried and used at all times.*

Comment: This is an important and justifiable requirement. It is important that this be effectively monitored whilst licensed vehicles are in operation.

2.6 *The age limit for Hackney Carriage vehicles is ten years.*

Comment: This is a reasonable requirement, on grounds of progressively reducing environmental impact. Safety considerations should be managed through the vehicle licensing criteria, in conjunction with periodic vehicle inspections.

2.7 *Vehicles equipped with Space Saver / Skinny / Get you home tyres will not be licensed by the Council. All Hackney Carriage vehicles must be fitted with*

⁵ As above (4)

manufacturers approved tyres of the same size and type including the spare wheel.

Comment: This specification is increasingly likely to become impracticable as vehicle manufacturers move towards more modern solutions to roadside punctures.

2.8 *The Council shall refuse any vehicle submitted for licensing which has been equipped with manufactured or retro-fitted blacked out windscreens and/or windows. Standard tinted windscreens and windows are acceptable providing all occupants in the vehicle can be clearly seen from the outside with the doors closed and the windows up. In any case proprietors are advised to consult the Council if in any doubt before purchasing such type of vehicle.*

Comment: This specification is reasonable and justified.

2.9 *The proprietor of the taxi shall ensure that no non-standard unauthorised alterations or modifications are carried out to the vehicle or to the engine.*

Comment: We think we understand the intention behind this requirement. However, it will be important to ensure that “no . . . modifications” does not preclude legitimate and valuable modifications such as, for example, a hearing loop, satellite navigation or emission reducing technology.

2.10 *The proprietor of the taxi shall ensure that the exterior colour of the taxi is black, or one of the manufacturer’s colours, the use of which has been approved by the Council.*

Comment: We are unclear from this whether the Council has a policy to require a particular colour scheme for hackney taxis. On the one hand, this specification appears to suggest that there is a requirement for black, while on the other it appears that there may be a range of approved colours? There is some case law on the validity or otherwise of specifying a particular colour scheme for local taxis but it would be unusual to have a required set of colours. This specification should be more clearly stated and a justification given for any particular requirement.

The reference to “. . . one of the manufacturer’s colours . . .” appears to imply allegiance to a single manufacturer. Any requirement based on colours offered by one or more particular manufacturers would have the effect of restricting the sale of vehicles by other manufacturers and, consequently, is likely to be in breach of Article 34 of the EU Treaty.

Conclusion

In reviewing taxi vehicle licensing policy for Telford & Wrekin there are important opportunities for the Council to achieve positive improvements for stakeholders. Embracing a wider choice of vehicle types will, for example:

- Offer Telford & Wrekin residents and visitors more modern cabs, with greater passenger capacity and luggage space.
- Reduce harmful vehicle emissions in Telford & Wrekin and reduce Telford & Wrekin's contribution to global emissions.
- Offer wheelchair using residents and visitors more accessible cabs, in which they can travel safely, in the correct position and correctly secured.
- Offer Telford & Wrekin taxi drivers additional safety features, not available in traditional London-style taxis.
- Offer Telford & Wrekin taxi owners access to a more competitive market for vehicle sales, trade-in valuations and after-sales services.
- Offer Telford & Wrekin taxi owners, residents and visitors access to modern, comfortable cabs which are substantially less expensive than either of the vehicle types licensed currently in the district.

Amending the draft policy and removing restrictions on modern vehicles such as the Peugeot E7 cab need have no effect on the licensing of other vehicles currently accepted by Telford & Wrekin Council. Taxi owners attracted by particular features of existing vehicles will be unaffected and perfectly at liberty to continue to invest in their preferred cab. On the other hand, the current taxi vehicle specifications in Telford & Wrekin prevent taxi owners who prefer other vehicles from making such a choice.

I trust that this contribution to your consultation is helpful and that the Council will wish to take urgent steps to amend its hackney taxi licensing policy in line with central government best practice guidance, UK and European law. Please do not hesitate to contact me, should you have any queries concerning our submission.

Yours faithfully,

Donald Pow
General Manager

T: 0141 336 1183

www.alliedmobility.com

www.cabdirect.com

www.alliedelectric.co.uk

**Jonathan Eatough, Solicitor and
Assistant Director: Law Democracy &
Public Protection**

Darby House
Lawn Central
Darby House
Telford
TF3 4JA

Tel: 01952 383 200

Contact: Suzanne Fisher

Telephone: 01952 383261

Fax: 01952 381993

Date: 29 August 2012

Dear

Review of Hackney Carriage Licence Condition

I am writing to you because you responded to a consultation we carried out last year on the condition of licence relating to the type of vehicle that Telford & Wrekin Council will licence as a Hackney Carriage.

The responses to the consultation were considered at a meeting of the Council's Licensing Committee on 7th September 2011, where Members resolved to maintain the existing condition number 2.2:

The proprietor shall ensure that the Hackney Carriage shall only be of the type approved for public hire used by the Commissioner of Police of the London Metropolitan area, namely a purpose built vehicle designed to carry up to seven passengers ...

The matter is to be considered once again by the Council's Licensing Committee on 5th September 2012. I am writing to ask whether you wish to make a further comment on the proposed condition which would replace condition number 2.2 above:

The proprietor shall ensure that the Hackney Carriage vehicle shall only be of the type approved for Hackney Carriage use by the Council, namely a multi-purpose vehicle built to carry up to eight passengers with factory fitted seatbelts and an engine capacity not less than 1600cc. subject to the following:

By way of a list that will specify as many different types of vehicle as possible which allow the trade to put forward vehicles of choice that meet the criteria. Will provide greater flexibility for new vehicle types.

This condition is to be read in conjunction with Conditions 2.1 and 2.3 to 2.10 inclusive which are to remain unchanged. A copy of the Council's conditions of licence are attached.

If you have comments about the proposed condition, please send them to me in writing to Public Protection, Darby House, Lawn Central, Telford, TF3 4JA or by email to licensing@telford.gov.uk by Monday 3rd September 2012.

Yours sincerely

Suzanne Fisher
Public Protection Team Leader - Licensing

email: suzanne.fisher@telford.gov.uk

Equality Act 2010 – Taxis and Private Hire Vehicles

Provisions coming into effect in October 2010

Introduction

The Equality Act 2010 brings together in one Act a number of different pieces of legislation about discrimination, - including disability discrimination. The new Act includes many of the taxi and private hire vehicle (PHV) provisions which were in the Disability Discrimination Act 1995, but it also includes some important changes.

Sections 160 to 173 of the Equality Act 2010 relate specifically to taxis and private hire vehicles (PHVs).

The Equality Act 2010 can be viewed at http://www.opsi.gov.uk/acts/acts2010/ukpga_20100015_en_1

Some of the taxi/PHV provisions are being brought into force on 1st October 2010.

This guidance note explains which taxi/PHV sections are being brought into force on that date and is designed for licensing authorities.

A separate guidance note has been prepared specifically for the taxi and PHV trades.

Duties to assist passengers in wheelchairs.

Sections 165, 166 and 167 of the Equality Act 2010 deal with the imposition of duties on the drivers of wheelchair accessible taxis and PHVs to assist passengers who use wheelchairs.

The duties which had been contained in the Disability Discrimination Act 1995 had never been brought into force so when the duties are actually brought into force – at a later date, but not before April 2011 - it will constitute a substantive change in the law.

The duties - Section 165 places duties on drivers of designated wheelchair accessible taxis and PHVs. Designated vehicles are those listed by the licensing authority under section 167 (see 'Lists of wheelchair accessible vehicles', below).

The duties are:

- to carry the passenger while in the wheelchair;
- not to make any additional charge for doing so;

- if the passenger chooses to sit in a passenger seat to carry the wheelchair;
- to take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort; and
- to give the passenger such mobility assistance as is reasonably required.

This section will be commenced at a later date, but not before April 2011.

Exemptions from the duties - Section 166 allows licensing authorities to exempt drivers from the duties to assist passengers in wheelchairs if they are satisfied that it is appropriate to do so on medical grounds or because the driver's physical condition makes it impossible or unreasonably difficult for him or her to comply with the duties.

This section will be commenced on 1 October 2010.

Consequently, from October, taxi and PHV drivers who drive designated wheelchair accessible taxis or PHVs will be able to apply for exemptions. Licensing authorities that intend to maintain a list of wheelchair accessible taxis and PHVs licensed in their area should therefore be putting in place a system for assessing drivers and a system for granting exemption certificates for those drivers who they consider should be exempt.

The Department will be making regulations early in 2011 specifying the exact format for the Exemption Notices that licensing authorities will issue and exempt drivers will be required to display in their vehicles. The Department will also arrange for the printing and distribution of the Exemption Notices (which will be similar to the Notices for drivers who are exempt from carrying guide dogs). These will be ready shortly after the regulations come into force early in 2011.

Lists of wheelchair accessible vehicles – Section 167 allows licensing authorities to maintain a list of “designated vehicles”, that is, a list of wheelchair accessible taxis and PHVs licensed in their area. The consequence of being on this list is that the driver must undertake the duties in section 165.

This section will be commenced at a later date (not before April 2011).

So, although the list of designated vehicles will have no actual effect in law until the duties are commenced, we would urge licensing authorities to start maintaining a list as soon as possible for the purpose of liaising with the trade and issuing exemption certificates.

Also, from October, it will be possible for drivers to appeal against a decision by the licensing authority not to grant an exemption; the appeal will go to the magistrates' court.

When section 167 comes into force, and the lists of designated vehicles have a statutory effect, it will be possible for the owner of a vehicle to appeal against a licensing authority's decision to include his or her vehicle on the list. This appeal will also go to the magistrates' court.

Separate, and more detailed, guidance will be issued about the accessibility requirements which licensing authorities should apply in relation to this provision and other aspects of their functions under this new approach. This guidance will be issued in the autumn.

Guide Dogs and Assistance Dogs

Sections 168 to 171 of the Equality Act 2010 deal with the carriage of guide dogs and other assistance dogs and England and Wales.

These sections have simply been lifted from the Disability Discrimination Act 1995 which imposed duties on taxi and PHV drivers (and PHV operators) to accept guide dogs.

When these sections come into force on 1 October, the existing sections in the Disability Discrimination Act 1995 will be repealed.

So, the change is largely a technical one rather than one with any practical implications.

There is nothing new and nothing additional that drivers (and PHV operators) need to do in relation to assistance dogs. The existing obligations will carry on after 1 October but simply under different legislation.

However, there is one important point to note. The legislation bringing these sections of the Equality Act into force on 1 October is designed to ensure a smooth transition from the assistance dogs provisions in the Disability Discrimination Act 1995 to those contained in the Equality Act 2010.

The legislation will ensure that:

- The Exemption Notice Regulations¹ made under sections 37 and 37A of the Disability Discrimination Act 1995 will continue to have effect – as though they had been made under the Equality Act 2010;
- Taxi and PHV drivers who are already exempt from the duty to carry guide dogs can continue to rely on their certificate of exemption issued by a licensing authority even though the certificate refers to the Disability Discrimination Act 1995;

¹ The Disability Discrimination Act 1995 (Taxis)(Carrying of Guide Dogs etc.)(England and Wales) Regulations 2000 (SI2000/2990) (as amended) and The Disability Discrimination Act 2003 (Private Hire Vehicles)(Carriage of Guide Dogs etc)(England and Wales)Regulations 2003 (SI 2003/3122) (as amended).

- Licensing authorities will continue to be able to issue certificates to drivers who are exempt from the duty to carry guide dogs even though the certificates say “issued under section 37 or 37A of the Disability Discrimination Act 1995” on them. The certificates are now deemed to have been issued under the Equality Act 2010;
- Licensing authorities will continue to be able to issue the yellow Exemption Notices provided by the Department which exempt drivers must display on their vehicles (and exempt drivers will continue to be able to display them), even though the Notices refer to the Disability Discrimination Act 1995.

The comprehensive guidance issued by the Department in 2007 about the duties to carry assistance dogs and the procedure for granting medical exemptions etc still stands. This is because there has been no substantive change in the actual duties or the assessment of applicants for medical exemptions. The Guidance can be viewed at:
<http://www.dft.gov.uk/adobepdf/259428/323526/19560LicensingAuthorities321.pdf>

The position in relation to the carriage of assistance dogs in Scotland also remains the same, but the means of achieving this is different. Essentially although the relevant sections of the Disability Discrimination Act 1995 will be repealed, the legislation which brings the Equality Act into force will ensure that the provisions inserted into section 20 of the Civic Government (Scotland) Act 1982 remain.

The control of taxi numbers

Since the Transport Act 1985 it has been possible for licensing authorities in England and Wales (outside of London) to refuse a taxi licence application if they are satisfied that there is no significant unmet demand for taxis in their licensing area.

Section 161 of the Equality Act 2010 qualifies the law in this area, to ensure licensing authorities that have relatively few wheelchair accessible taxis operating in their area, do not refuse licences to such vehicles for the purposes of controlling taxi numbers.

For section 161 to have effect, the Secretary of State must make regulations specifying:

- the proportion of wheelchair accessible taxis that must operate in an area before the respective licensing authority is lawfully able to refuse to license such a vehicle on the grounds of controlling taxi numbers; and
- the dimensions of a wheelchair that a wheelchair accessible vehicle must be capable of carrying in order for it to fall within this provision.

The DfT plans to consult on the content of regulations before section 161 comes in to force; the actual date will be announced in due course, but it will not be before April 2011.

Community Impact Assessment

It is intended that you complete this form if you have identified a high negative impact to our communities and employees.

Sections 1 & 2 should be completed early in policy development and before any consultation/engagement activity takes place

Sections 3 & 4 should be completed before policy approval.

You will find the information from this assessment useful for the Equality Implications section of any report you are completing.

Section 1 – Overview

1. What is the title of the policy?

Review of Hackney Carriage Conditions of Licence.

2. What are the objectives of the policy? For example, what are we aiming to achieve? Please provide a brief description

The objective is to consider and consult with partners, the community and the Hackney Carriage and Private Hire trade on:

1. The Council's Hackney Carriage Condition of Licence covering the types of vehicle that can be licensed in Telford & Wrekin as a Hackney Carriage. When licensing Hackney Carriage Vehicles, Telford & Wrekin Council follow the Conditions of Fitness set by the London Carriage Office and will license purpose built hackney carriage vehicles and the Mercedes Vito. The Mercedes must have an adapted turning circle on the rear axle to allow it to be licensed. The Council is now considering whether it is more appropriate to have a wider choice of purpose built vehicles which may be licensed as Hackney Carriages in the Borough.

3. This policy affects

- Licence Holders
- People who use Hackney Carriages
- Partners

4. What period does the policy cover?

The condition of licence relating to the types of hackney carriage which this Council will licence, will be considered by Members of the Council's Licensing Committee on 5th September 2012.

5. Your contact details:

Name of person completing impact assessment and their post	Suzanne Fisher, Public Protection Team Leader
Telephone	01952 383261
Date	06 August 2012

DRAFT

Section 2 – Impact Assessment

a) Community Impact

1. Will the policy contribute to specific Priority Plan objective(s)?

Yes (go to Q2)

2. The Policy contributes to the following [Priority Plan objectives](#)

1. Creating a safer community

(b) Safeguard health and safety of the community

Ensure Compliance – Business/Landlord/Individual

3. Will this policy have a significant impact on any of the following groups of people? Please mark all boxes indicating whether an impact has occurred, this could be **positive** or **negative**. Mark **None** if there is no impact. Help boxes are available to assist.

People of different ages

[Helpbox - Age](#)

People with ill health or people with a disability

[Helpbox - Disability](#)

People of different gender

[Helpbox - Gender \(Sex\)](#)

People who are transgender

[Helpbox - Transgender](#)

Different racial groups

[Helpbox - Race](#)

People with different religion or beliefs

[Helpbox - Religion or Beliefs](#)

People of different sexual orientation

[Helpbox - Sexual Orientation](#)

Women who are pregnant or breast-feeding

[Helpbox -Pregnancy and Maternity](#)

People that are married or in a civil partnership

[Helpbox - Marriage or Civil Partnership](#)

People affected by deprivation

[Helpbox - people affected by deprivation](#)

	Impact (X)		
	Positive	Negative	None
People of different ages Helpbox - Age	X		
People with ill health or people with a disability Helpbox - Disability	X		
People of different gender Helpbox - Gender (Sex)	X		
People who are transgender Helpbox - Transgender			X
Different racial groups Helpbox - Race			X
People with different religion or beliefs Helpbox - Religion or Beliefs			X
People of different sexual orientation Helpbox - Sexual Orientation			X
Women who are pregnant or breast-feeding Helpbox -Pregnancy and Maternity			X
People that are married or in a civil partnership Helpbox - Marriage or Civil Partnership			X
People affected by deprivation Helpbox - people affected by deprivation			X

4. What is the expected impact?

People of different ages

This policy will have a positive impact on the [mobility needs of people of all ages with restricted abilities](#).

This policy will have a positive impact on young females who according to the Department for Transport Best Practice Guidance on Taxi and Private Hire Vehicle Licensing, are one of the largest groups of users of taxis and private hire vehicles. It will have a positive impact on older members of the community. As people age, the prevalence of disability increases.

People with ill health or people with a disability

The policy will have a positive impact on people with ill health or people with a disability as the review will look to widen the choice of vehicle which the Council will licence as a Hackney Carriage and will, in turn, provide a wider choice of accessible taxis to the community.

People of different gender

This policy will have a positive impact on young females who according to the Department for Transport Best Practice Guidance on Taxi and Private Hire Vehicle Licensing, are one of the largest groups of users of taxis and private hire vehicles. The equality data collected by the Licensing Service shows that 97% of licensed drivers are male and therefore, those licence holders who are the only income earner in households will have a wider choice of vehicle to choose from when purchasing a vehicle.

The review of the type of vehicle this Council will licence as a Hackney Carriage is based on Telford & Wrekin Council's continued commitment to the safety and the quality of its Hackney Carriage service.

I have no evidence which indicates that this policy will impact on the following characteristics.

People who are transgender.

People with different religion or beliefs

People of different sexual orientation

Women who are pregnant or breastfeeding

People that are married or in a civil partnership

People affected by deprivation.

5. What engagement and consultation have you already carried out?

A full consultation was carried out between 8th March 2011 and 21st June 2011 with the taxi trade, partner organisations, Councillors, Town & Parish Councils, Residents Associations, Community Associations and Disability Forums. In addition the consultation was published on the local authority website and copies were also placed in the schools and libraries within the borough.

The Council's Licensing Committee considered a report on the proposed review of the type of vehicle the Council will licence as a Hackney Carriage at public meetings on 29th March 2010 and again at a public meeting on 7th September 2011.

A further consultation has been carried out with the consultees who responded to the consultation in 2011 before the matter goes before another public meeting of the Licensing Committee on 5th September 2012.

You can contact the Community Engagement team for support – 82131

You are at the end of Section 2 - have you completed all questions in this section?

Please ensure all questions are answered and then send your information to;
Equalityanddiversity@telford.gov.uk

The Equality and Diversity Team will help you address/respond to any issues in
Section 3 – Mitigating Actions

DRAFT

Section 3 – Mitigating Actions

1. For any significant **negative** impacts identified in Section 2 (Questions 3 & 4), what action have you taken or will you be taking to reduce/manage these impacts?
2. For any significant positive impacts you identified in Section 2 (Questions 3 & 4) what action have you taken or will you be taking to maximise the opportunity?

If the proposed change to the condition relating to the type of vehicle which the Council will licence as a Hackney Carriage is implemented, more drivers will be trained in relation to their responsibilities under the Equality Act 2010.

- 4..The policy contributes to the following aims of the General Equality Duty;
 - **advance equality of opportunity**
 - **foster good relations between different groups**

Section 4 – Review and Monitoring

1. From what date will this policy be implemented?

Any amendments to conditions of licences resulting from the Licensing Committee hearing on 5th September 2012 will be implemented at a date to be determined by the Members of the Licensing Committee.

2. When will the actual impacts of the policy be monitored and reviewed?

The impacts of the condition of licence will be reviewed after a period of 12 months from implementation.

3. How will the actual impact of the policy be monitored and reviewed?

Any changes to the Council's conditions of licence resulting from this policy will be monitored by the Licensing Service in relation to data retained on licensed drivers and licensed vehicles on the Council's Licensing databases. This will include the numbers of drivers/vehicles licenced, the numbers of drivers receiving training and the number and nature of complaints from service users relating to drivers and/or vehicles.

Ensure that appropriate confirmation has been given by your line manager.

Line Manager/Head of Service Agreement

Community Impact Assessments will be published online and available on request. This will include the subject document, equality analysis, data sources and consultation evidence.

Please make sure that your Line Manager/Head of Service has been made aware of the content of the impact assessment and that they agree with it.

Arrange for your Line Manager/Head of Service to e-mail confirmation of agreement to; equalityanddiversity@telford.gov.uk

The Equality and Diversity team will create a summary for ease of access, please make sure that you forward any relevant documentation you have referred to with the e-mail.

Thank you conducting this Community Impact Assessment, should you have any questions please contact 01952 382104 or e-mail equalityanddiversity@telford.gov.uk

Suzanne Fisher
Public Protection Team Leader – Licensing
Darby House
Lawn Central
Telford
TF3 4JA

31st August, 2012

Dear Suzanne,

Review of Hackney Carriage License Condition


Thank you for your letter of 8th August, 2012.

The proposed amendment to Condition 2.2 is welcomed. As read in conjunction with Conditions 2.1, 2.3 and 2.10 this change will, among other benefits:

- Provide Telford & Wrekin hackney carriage owners, drivers and passengers with access to a wider choice of good quality, modern hackney cabs, complete with the highest standard of automotive safety certification;
- Further local hackney owners' right to a competitive market in the supply of cabs, leading to better pricing, service and ongoing vehicle innovation and development;
- Enhance environmental conditions in Telford & Wrekin, by encouraging uptake of newer, cleaner vehicles for use as hackney cabs in the area;
- Further accessibility provisions to meet the differing needs of disabled residents and visitors by encouraging a more diverse fleet, including vehicles offering considerable advantages in terms of comfort and safety for wheelchair users;
- Bring Telford & Wrekin licensing policy into line with that in 97% of UK local authorities; and
- Enable the Council to ensure that its policy complies with European trade law, as enacted in the European Treaty and UK disability discrimination law, as enacted in the Equality Act.

I trust that these comments are helpful.

Yours sincerely,



Donald Pow
General Manager

From: Mohsin Khan [mohsin85@hotmail.co.uk]
Sent: 15 August 2012 04:07
To: Fisher, Suzanne
Subject: Review of Hackney Carriage Licence Condition

Hello Ms Fisher

I recently received your letter regarding 'Hackney Carriage Licence Condition' and I am really looking forward to the meeting of Licencing Committee on 5th Sep 2012.

I hope that this time the proposed condition will be approved as most of the councils around Telford and Wrekin have already approved Euro Cabs as Hackney Carriage.

As Euro Cabs are purpose built Taxis and meeting all the conditions including 2.1 and 2.3 to 2.10.

Further I would like to inform you that my Private Hire Licence is expiring on 25th Sep 2012 and I shall wait for committee's decision before I renew my Licence.

Thanks for the consultation and I hope for a positive result this time.

Regards,

Mohsin Khan.

From: suzanne.fisher@telford.gov.uk
To: mohsin85@hotmail.co.uk
CC: Helen.Owen@telford.gov.uk
Date: Thu, 31 Mar 2011 13:49:00 +0100
Subject: Fiat TW 200

Dear Mr Khan

Thank you for your recent letter regarding the Fiat TW200.

As you are aware, we are currently carrying out a consultation exercise relating to the type of vehicle which Telford & Wrekin Council will licence as a hackney carriage in the future.

I have looked at this vehicle on the website and confirm that it is a purpose built taxi with European M1 Type of Approval. Until a decision is made when the consultation period has finished on 21st June 2011 and all comments have been considered, relating to the types of Hackney Carriages which this Council will licence, I am unable to confirm whether or not we will licence this vehicle.

I would like to thank you for your response to our consultation.

If I can be of further assistance in the meantime, please contact me.

Regards

Suzanne Fisher

Suzanne Fisher
Public Protection Team Leader
Telford & Wrekin Council
Housing & Planning
Public Protection (Environmental Health, Licensing & Trading Standards)
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The content of this email has been automatically checked in conjunction with the relevant policies of Telford & Wrekin Council.

Telford Hackney Carriage Association

Honorary Life President. Mr E.B.Jones.

Chairman. Brian Smith. Vice Chairman. Secretary. A. Tawasin.

14/8/2012

Tele: 07971400069.

Dear Committee Members.

Regarding condition 2.2 on enclosed condition Type of Vehicle.

This is a continuation to the previous letter (**below**) we sent to you Objecting to changes to Condition 2.2 (type of vehicle) at the last meeting we were supported by the London Taxi Cab Company previously LTI who also petitioned against any changes of Policy and are as far as I know still hold the same position on the changes. It was stated that the council had not made provision with the Trade about any changes (and is still the same) that would need to be made regarding plans to be set up for what types of vehicles would meet the needs in Telford, in the Change of Conditions it states that Hackney Carriages should take a minimum of one wheelchair user which we are, as 100% Purpose Built taxis, as the Hackney Carriages TX TAXIS have to be, to be compliant with, this as it is part of the London PCO conditions and this also applies to the Mercedes Taxi (Vito) and the new Nissan Taxi.

There are no set up Conditions as stated, as to what other vehicles are proposed to be used and what conditions should be put in practice as to the age limits on the other vehicles that the Council? want to use, the whole spectrum of conditions need amending for these proposals, we propose if these changes are forced in **against our will**, then the following, should be taken into account and considered on our behalf with consultation with the trade.

- (1) Hackney Carriage are part of the Telford Transport Plan and should be treated as such, any potential Customers that require Specialist/Ambulant type vehicles are not the expected type of Customers to be using Taxi Ranks, and as such it cannot be reasonable for Hackney Carriages Owners to buy these type of vehicles that will never probably used, any such type vehicles can be obtained by pre-booking with Telford & Wrekin Councils Red Bus scheme or from Voluntary Organisations at reasonable rates set by them, making the need for these vehicles not necessary on Taxi Ranks because logic dictates that people with special needs are aware that they need forward planning on their Transport needs.
- (2) The minimum age that a vehicle can be licensed in Telford,
- (3) Regarding this the Trade who have abided by a 10 year age limit for 20 years, we propose you increase this to 12 years, for PCO Type Taxis.
- (4) And you bring in a policy that all new licences issued should only go to vehicles that are brand new on their inception including PCO Allowed Taxis and stays with the same vehicle through its entire life as a Taxi in Telford, which in itself would improve the vehicles used on a daily basis and insure that people who come into the trade are **making a proper commitment** as to their intentions and not to allow older types of vehicles to be used as a stop gap to enter the trade in

these days of hardship, as a way of being self employed until something better comes along, this may sound harsh but the **Owners in the trade have already proved they are in it for the long stay** and do not want to lose their livelihoods, because people use older vehicles as a stop gap in their employment status, **more taxis do not mean more work**, and could be influential in trade members being lost through having to many **taxis and not enough work and nowhere to park** as is the case in Wolverhampton/Shrewsbury and other areas who have lost regulation of taxis numbers, which **we have not had for years**.

- (5) What age limit do you propose on any new type of vehicle that is not PCO approved, the Private Hire E7 equivalent has a 7 year age limit, logic says the Hackney Carriage Version age limit should be the same 7 years, or are you going to change the Age Limit structure for all vehicles, I think not?.
- (6) All existing licences on Taxi Cabs in Telford retain the Conditions that they now have as is their Grandfathers rights which we was agreed at earlier meetings with I believe Mr Gary Emerson.
- (7) Taxis issued new licences can of course be transferred to a vehicle of the same make year etc, in the case of total right offs (Insurance Claims) caused by accidents, but for no other reason, unless agreed by the Trade and the Council, as we are fighting for the survival of our **livelihoods as Hackney Carriage Owners and drivers**.
- (8) As a last statement can I please add that the Law Commission are at the moment in Consultation about the whole Taxi Trade and we do not even know that there will be a two-tier Taxi system in the near future which could deem this whole process pointless, if the power over Taxis is taken out of the hands of Local Councils (which is also one of the points they are Consulting about), and done under one complete new set of rules set by them, surly it would be better to wait for the results from the Law Commission.

M.J.Hayward.....Tele: (07973534150)

From April 2010 Objections which were agreed by the Council Committee Members
With reference to the proposed change of vehicle type to be put before the Licensing
Committee on the 29th March 2010.

This application was not applied for by the Hackney Carriage Trade of Telford but by an outside party the effects on whom could be devastating. The trade is currently so sparse that hackney drivers are struggling to make a living. For this reason alone, it is our opinion that the issuing of hackney plates should be restricted for a minimum of two years when by which time an upturn in the economy would afford better trade.

Regarding the type of vehicle used for hackney carriages in Telford, for at least the last twenty-five years, Telford & Wrekin Council has been moderated by the PCO in London, which has been an excellent partnership for the Council and has worked perfectly as detailed in Licence proposal (3.Summary 3.1). This also highlights that **the PCO are reviewing their conditions** regarding the type of vehicle in 2012. It would be appropriate to wait for this review to determine the type of vehicles which would save this Council from having to do their own review and be kept in context of the PCO who are more experienced and knowledgeable of any change in vehicle type, which has been proven for over twenty-five years, so why not now?

The Liverpool case of course also has an impact of impending changes in vehicle type but this should not have any effect on Wrekin Council as in retrospect will not be stopping different types of vehicle being used, but waiting for a decision from the PCO who are an authority in this area. We feel that Telford & Wrekin Council would not be open to legal action as they would be waiting for a decision from the PCO of whom the Hackney Trade trust and support implicitly. Why fix something if it isn't already broken?

We are interested in fair trade and keeping ourselves in gainful employment and wish to avoid becoming unemployed or at worse bankrupt. As Telford grows in the future, we will indeed need more hackney carriages but at this moment in time the current economic state does not support the need.

As the Council rightly point out there are supposed to be 2000 different types of wheelchairs, most of which require what we call "Ambulant type" vehicles (referring to Hackney Carriages), which are specialist and not the type you would expect to find waiting at a Taxi Rank which seems to us an unreachable target to cover. The Council also point out The Mercedes Vito, which is a Licensed Vehicle in Telford, is perfectly capable of doing anything the proposed types of vehicle can do, if not more. This however, is erroneous, as the Mercedes Vito *cannot* carry forward facing wheelchairs. However, the orientation of the wheelchair forward facing or not, in situations such as accidents really is irrelevant and totally pointless, impact comes from many directions. **The Hackney Carriage Drivers in Telford** have taken and are taking NVQ equivalent type tests that state wheelchairs must be rear facings which is a mandatory requirement

when tendering for Council Contracts and also a part of the DSA Taxi test. We would also add that vehicles housing forward facing wheelchairs are also known as *specialist* vehicles, to abide by the Disability Discrimination act all these types of vehicle would be beyond the resources of the average Taxi Owner/Driver because as you are aware all Hackney Carriages Owners/Drivers are self employed, and as previously mentioned we are currently having a very hard time making a living in this current climate and to be put in a position by these proposals of being made unemployed is quite frankly ill conceived and completely unacceptable. I don't believe for one moment that this is the council's position, but is being ruled by an outside force, not of the Hackney Trade in Telford, that is only motivated by their financial gain.

Signed B.Smith/Chairman



The London Taxi Company
Holyhead Road
Coventry
CV5 8JJ
England
Tel: 00 44 (0)24 7657 2000
Fax: 00 44 (0)24 7657 2001
www.london-taxis.co.uk

Ms Suzanne Fisher
Licensing Officer
Licensing Department
Darby House
Telford & Wrekin Council
Lawn Central
Telford
TF3 4JA

Date: 27th August 2012

Dear Suzanne,

Re: Review of Licensing Conditions

Thank you for your letter of the 8th August in which you ask for our comments with regards to the licensing conditions in Telford. We were very surprised to receive this letter, as this issue was fully discussed only one year ago and the council decided to retain condition 2.2. It was understood by us that Telford & Wrekin Council was engaged in a review of its Hackney Carriage and Private Hire Policy not its licensing conditions, yet, somehow, this review has once again proposed changes to condition 2.2.

We can see no reason why this should be the case as all the issues were fully discussed during the consultation and licensing committee meeting on the 7th September 2011. All interested parties were able to take part in that process and all views were considered. No party felt that the process had been unfair in anyway or sought to legal challenge the decision.

As far as we can tell this current proposal is due to nothing more than an attempt by Allied vehicles to overturn a lawful decision by the council to promote its own commercial interests. This is wrong and is not the way to produce good policies that will benefit the residents of Telford.

We urge the council to retain the current policy because we accept the valid arguments put forward by councilors when this issue was last discussed.

I propose to deal with the issues raised in your service report for the 5th September meeting to show why this should be the case.

Your report from 5.1.7- 5.1.15 deals with the issue of accessibility, which is clearly a very important issue for councils to take note of. Given that, it seems strange that you do not lay out the reasons why the committee made its decision on the 7th September but only state the





outcome in 5.1.6. This is a failing as the committee debate was robust and covered all the issues that are highlighted by Allied Vehicles.

Section 20 of the Equalities Act lays out the principles that apply to decisions of this kind and provide councils with the correct procedure to be followed. In line with these principles, Telford Council recognized that the current licensing policy may be disadvantageous to groups of disabled passengers and so sought to review the policy. The result was a 12 week consultation in March 2011 that looked at all the issues involved. The licensing committee then discussed the issue fully to determine if the licensing of the E7 would ensure that the council's taxi service met the legal and social needs on the 7th September.

At that meeting councilors recognized that there was a class of wheelchair users who could not currently access the existing taxi fleet but then sought to determine if changes to the licensing conditions would improve the situation for that class of persons. It was accepted that the E7 did provide a longer wheel base that enabled the vehicle to accommodate the large types of wheelchairs that were now on the market but this did not mean that the vehicle would substantially increase the accessibility of the fleet. On a closer examination the E7 was found to have considerable draw back in terms of disabled access.

The door frames of the vehicle were found to be much smaller than the current taxi fleet with the entry way being 5 inches lower and 5 inches narrower, which has a considerable impact on accessibility. So, although the wheelbase of the vehicle allows for large wheelchairs, wheelchair users struggle to enter the vehicle and once inside do not have the head room needed forcing them to bend their necks. As a number of wheelchair users have to maintain their necks in a straight position, this would prevent them from using the vehicle but they can use the existing taxi fleet.

Access to the vehicle was further hampered by the ramp angle of the E7 that was found to be too steep for easy access. The E7's ramp, when deployed, has a ramp angle of 19 degrees which is substantially greater than the angle of the TX4 taxis. The reasons for this are that the ground clearance of the E7 is over two inches higher than the TX4 with a further three inches added due to the way the ramp is built into the vehicle. This height difference also adds an extra five inches to the step height into the vehicle preventing easy access by ambulant disabled as well.

On top of this, the vehicle uses manual sliding doors that further limit disabled access to the vehicle. In order to open the doors passengers have to use a degree of force to pull the door out and back along its runners. This process is often beyond the capabilities of wheelchair users, due to their low height, and elderly and ambulant disabled passengers due to frailty or upper body weakness making it hard to access the vehicle. Once the door is open it does not lock in place and so passengers run the risk of the heavy door sliding back on them, which can



endanger them as they try to enter the vehicle. This is not the case with the TX4 that's door is capable of being lock at the 90 degree angle. This feature also has the added benefit of acting as a stable point of support that can help elderly and ambulant disabled access the vehicle.

Once in the vehicle passengers can struggle closing the door as this requires a passenger to bend their wrist to a 90 degree angle and physically push the door forward with enough force to close and lock the door. As a large number of wheelchair users have limited movement in their wrists this process can be beyond their capability. The same can also be the case with the elderly and ambulant disabled who would all struggle to close the door.

With these features in mind, councilors decided that far from improving the accessibility for the wheelchair users the E7 could, in fact, prevent this group from accessing taxi services in clear violation of equality law.

The committee then discussed the impact this change would have on other groups of disabled passengers and found that they too could be negatively impacted by these changes. The higher step height, the lower head room and the issues with the sliding doors made it considerably harder for ambulant disabled and elderly passengers to access the vehicle. Added to this the TX4 taxi has a swivel seat feature that enables persons with physical disabilities to easily access the vehicle. This feature would be lost if the conditions were weakened and so this disabled group would suffer.

With all this in mind the committee rightly decided that, although the current licensing conditions did impact on a class of disabled passengers in larger wheelchairs, any changes to the conditions would harm large sections of the disabled community and would not help disadvantaged wheelchair users. This situation would not be offset by any improvement to overall accessibility.

This decision was fully in line with the Equalities Act and the judgment in the Alma Lunt case as it was proportionate in insuring a taxi service that catered for the widest number of disabled passengers.

This is still the case to this day. The Telford taxi fleet can still be classed as wheelchair accessible as it meets existing guidelines that define the size and weight of wheelchairs that need to be carried. Changing the licensing conditions will not improve accessibility as the E7, and other vehicles of its type like the Renault VX8, is less accessible than Telford current fleet.

We feel it is important to clear up some of the misconceptions that are held around this issue. The licensing conditions in Telford **are not illegal** as they **do not break any national or EU laws**. A number of councils across the country use the same or similar conditions and have not



been challenged as to their validity. If Allied had believed this to be the case they could have sought a judicial review last year but they did not because they could not.

Liverpool lost in the Alma Lunt case because it followed a flawed procedure in making its decision and the court found this to be illegal. Had the council followed the correct procedure then the proposed licensing conditions would have been legal. **Telford did and will continue to follow the correct procedure and was able to justify its decision based on the policy being proportionate in meeting the legitimate aim of wider disabled access.** We urge the council to reconfirm the decision for the same reasons.

Allied vehicles like to raise the issue of Article 28 of the EC Treaty to state that licensing conditions are illegal that prevent them from selling their vehicle in a given area. Firstly, no one is preventing Allied vehicles from selling the E7 in Telford, as the vehicle can be cheaply and easily converted to meet condition 2.2 but Allied chooses not to. Secondly, although the E7 base may be imported, Allied vehicles is based in Scotland and carries out substantial modification to the vehicle which changes vehicles nature. **As Allied is a UK company seeking to sell vehicles in the UK no cross boarder trade issues are raised and so Article 28 does not apply.** If Allied were so certain that this was illegal they would have sought a European Court ruling to that effect but they have not.

We feel that the turning circle requirement is just as important today as it has ever been and this is reflected by all the reviews that have been undertaken into its use. It must be remembered that the licensing conditions do not prescribe a type of vehicle, design or manufacturer but rather set a standard that vehicles have to meet based on safety.

We agree with this premise and believe that it is our duty to help meet those standards. The taxi market has always had multiple manufacturers, of which LTC has been a leading member, and this continues to be the case. The E7, for example, could be easily and cheaply converted to meet the 25 ft turning circle just as the Mercedes Vito has but the manufacturer has chosen not to do so as they would rather attack the conditions themselves. We do not believe this is the right way to proceed.

As stated above the turning circle provides benefits to drivers and passengers on a daily basis. The condition exists to ensure safety so that a vehicle can perform a swift u-turn on small and busy roads quickly ensuring limited inconvenience to other drivers. Alongside this passengers would be exposed to higher costs as taxis take more journeys round the block or are stuck in road congestion due to the inability of the vehicle to maneuver safely out of the traffic.

Less taxi maneuverability will result to some degree of taxi drivers not picking up passengers who are on the wrong side of the road, or who are in an otherwise inconvenient location, resulting in longer waiting times and reduced passenger benefits. This is particularly the case with disabled passengers who often have greater access requirements and may need to access



vehicles in inconvenient locations. Even where they can make the turn, taxis without the turning circle would take up a greater area of the road when making a turn.

The council must also consider the financial costs involved in changing its conditions as much of the taxi infrastructure has been built and designed to accommodate vehicles with the turning circle. Vehicles that do not have this feature may struggle to use existing ranks forcing the council to incur expense to modify them.

You raise the issue of safety in 5.1.16-5.1.17 of your report and I would like to address that issue now. The TX4 provides unparalleled safety for passengers and drivers alike. The vehicle itself is immensely strong and capable of withstanding significant impacts to the vehicle without causing harm to either driver or passengers. The separation of driver and passenger also ensures that both groups are free from intimidation and violence from the other. This ensures that the travelling public has peace of mind. The vehicle has been designed to meet licensing conditions such as yours that place safety at the very heart and this is reflected in its history.

The TX series offer exceptional protection to passengers in cases of road traffic accidents. The steel body is mounted on a solid steel chassis and meets the highest level of European Whole Vehicle Type Approval.





The accident above took place in Edinburgh in 2007 and you can see the taxi's headlight shining out beneath the giant skip that fell on it.

The driver, Sharon Bain said,

"I was trapped against the steering wheel, lying on my left side, with one of the skips right at my shoulder,"

"The passengers had been protected by the vehicle and because the taxi is so solid it took the fire service quite a while to get to me. If I had not been in a purpose-built taxi, I would never have survived. The fire brigade told me that."

A mother and two children who were passengers when the skip tipped over onto the cab were helped to safety and were completely unhurt.

For this reason we must take a strong exception to your comments in 5.1.16-17 where you imply that the method of securing a disabled passenger in the TX4 may be unsafe. We strongly refute that comment and will take any and all legal step necessary should council officers continue with this line of advice. Far from being unsafe the positioning of disabled passengers in a rear facing position next to the central partition is the safest position in the vehicle. The disabled passenger is placed right in the centre of the vehicle providing maximum impact zones between them and any head on or rear collision. As the passenger is placed on the gravitational centre of the vehicle the G forces involved in any collision will be less than anywhere else in the vehicle. This also goes for acceleration and breaking of the vehicle. This is not the case for passenger who are forward facing as they are exposed to much greater G forces due to breaking or head on collisions. This means a disabled passenger will suffer far less physical damage in this position than if they were in any other part of the vehicle.

This is yet another reason why vehicles like the E7 are less suitable for disabled passenger.

It seems from your report that officers are concerned over the degree of vehicle choice available to drivers and wish to widen the field for both passengers and drivers. We accept that as a valid consideration but weakening the licensing conditions will not do that as has been shown in other areas that have followed this line.



Councils, such as yourselves, that maintain high licensing standards have inspired manufactures to produce vehicles that meet your conditions. Alongside historic players like LTC, Mercedes, Nissan and Metro Cab/Frasier Nash all now produce vehicles that meet your licensing conditions. The increase in competition will bring benefits to Telford residents in terms of accessibility and improved emissions. This level of investment, however, is only possible if the current conditions are retained. The council is, thus, in a position to produce the list of vehicles, as proposed by officers, without needing to alter its conditions.

When the council surveyed residents about its taxi services it was show that 81% of respondents and residents favored the retention of the existing licensing system which goes to show how effective it is. Had disabled passengers found the existing the taxi fleet inaccessible this would not have been the case! Of the respondents who asked for the position to be changed 40% were private hire drivers who wished to take advantage of a weaker licensing system to use E7 private hire vehicles as licensed taxis. Such a situation is not in the best interests of Telford Council or its residents.

Councils that have weakened their conditions and opened up their licensed taxi service have regretted it due to a decline in the quality of the taxi fleet. The result has been a loss of civic pride.

I would ask you to support the retention the Conditions of Fitness that ensures Telford has a first class taxi service that meets the needs of your community.

Yours faithfully

Julian Francis
Government Affairs Manager
The London Taxi Company



Telford Hackney Carriage Association

Honorary Life President. Mr E.B.Jones.

Chairman. Brian Smith. Vice Chairman..... Secretary. A. Tawasin. Treasurer. S. Singh

Tele: 07971400069.

Could you please add this statement as further representation to the Committee Papers for 2nd October as stated in your e mail of the 10th September

Below is an extract from the 1976 LGMP ACT, this was adopted by Wrekin Council 36 years ago and still applies today until the Law Commission makes changes to the 1976 Act in its supposed changes in 2014.

Local Government (Miscellaneous Provisions) Act 1976

48 Licensing of private hire vehicles (1) Subject to the provisions of this Part of this Act, a district council may on the receipt of an application from the proprietor of any vehicle for the grant in respect of such vehicle of a licence to use the vehicle as a private hire vehicle, grant in respect thereof a vehicle licence:

Provided that a district council shall not grant such a licence unless they are satisfied—

(a) that the vehicle is—

(i) suitable in type, size and design for use as a private hire vehicle;

(ii) not of such design and appearance as to lead any person to believe that the vehicle is a hackney carriage;

(iii) in a suitable mechanical condition;

(iv) safe; and

(v) comfortable;

(b) that there is in force in relation to the use of the vehicle

If Multi Type Vehicles are Licenced as hackney carriages it is in fact allowing the terms of the 1976 Act to be broken meaning a **Private Hire Vehicle is of such design and appearance as to lead any person to believe that the vehicle is a hackney carriage:**

As the Multi Type Vehicles are already on Telford Councils list of types allowed to be Licenced **as Private Hire they cannot be Licenced as Hackney**

Carriage Vehicles, this is why you will never see London Taxi Tx models ever Licenced for Private Hire.

Brian Smith, Chairman.